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नई दिल्ली, शनिवार, अप्रैल 4, 1981/चैत्र 14, 1903  
NEW DELHI, SATURDAY, APRIL 4, 1981/CHAITRA 14, 1903

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके  
Separate paging is given to this Part in order that it may be filed as a separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय  
(विधि कार्य विभाग)

सूचना

नई दिल्ली, 16 मार्च, 1981

क्र. आ. 1081.—नोटरीज नियम, 1956 के नियम 6 के अनु-सरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सी. पी. मुनिसुवर्था, एडवोकेट, 17 क्रॉस रोड, ननजानगुड टाऊन, मैसूर ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उस मैसूर जिले के ननजानगुड टाऊन में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. फा. 3(66)/80-न्या.]

एस. गुप्ता, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE &  
COMPANY AFFAIRS

(Department of Legal Affairs)

NOTICES

New Delhi, the 16th March, 1981

S.O. 1081.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority,

1471 GI/80—1.

under rule 4 of the said Rules, by Shri C.P. Munisuvratha, Advocate 17, Cross Extension, Nanjangud town of Mysore District for appointment as a Notary to practise in Nanjangud town of Mysore District.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(66)/80-Judl.]

S. GOOPTU, Competent Authority

विस्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 30 जून, 1980

आयकर

क्र. आ. 1082.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् सचिव विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(4) के साथ पठित, आय-कर अधिनियम, 1962 की धारा 35 की उपधारा (1) के खंड (2) के प्रयोजनों के लिए अन्य प्राकृतिक या आनुवंशिक विज्ञान के क्षेत्र में "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है; अर्थात् :—

(1) यह कि संगीत अनुसंधान अकादमी, कलकत्ता प्राकृतिक या आनुवंशिक विज्ञान के कृषि/पशुपालन/मत्स्यपालन और औषधि से भिन्न क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का पृथक हिसाब रखेगी। इन राशियों को वैज्ञानिक अनुसंधान परियोजनाओं पर खर्च किया जाएगा और विज्ञान और प्रौद्योगिकी

गिकी विभाग को उसके 5-3-80 के पत्र के साथ प्रस्तुत की जाएगी।

- (2) यह कि उक्त अकादमी प्रत्येक वित्तीय वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल तक ऐसे प्रारूपों में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकृत किए जाएं और उसे सूचित किया जाएगा।
- (3) यह कि उक्त अकादमी अपने लेखों की वार्षिक विवरणी और विवरण आयकर आयुक्त कलकत्ता का प्रस्तुत करेगी।

#### संस्था

संगीत अनुसंधान अकादमी, कलकत्ता

यह अधिसूचना 11-4-1980 से 10-4-1982 तक की 2 वर्ष की अवधि के लिए प्रभावी होगी।

[सं. 3504/फा. सं. 203/183/78-आई टी ए-2]

हरी नारायण, अवर सचिव

#### MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 30th June, 1980

#### INCOME-TAX

**S.O. 1082.**—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961, read with Rule 6(iv) of the Income-tax Rules, 1962 under the category 'Association' in the area of other natural or applied sciences, subject to the following conditions :—

1. That the Sangeet Research Academy, Calcutta will maintain a separate account of the sums received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries and medicines). These sums will be spent on the Scientific Research Projects and submitted to the Department of Science & Technology with their letter dated 5-3-80.
2. That the said Academy will furnish the annual return of its scientific research activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.
3. That the said Academy will submit annual return and statement of accounts to the Commissioner of Income-tax Calcutta.

#### INSTITUTION

THE SANGEET RESEARCH ACADEMY, CALCUTTA.

This notification is effective for a period of 2 years from 11-4-1980 to 10-4-1982.

[No. 3504/F. No. 203/183/78-ITA. II]

HARI NARAIN, Under Secy.

नई दिल्ली, 5 जनवरी, 1981

#### अधिकार

क्र० आ० 1083:—सर्वसाधारण को जानकारी के लिए यह अधिसूचित किया जाता है कि भारतीय आयुर्विज्ञान अनुसंधान परिषद, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आयकर अधिनियम,

1961 की धारा 35 की उपधारा (2-क) के प्रयोजन के लिए नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित किया है।

1. वैज्ञानिक अनुसंधान कार्यक्रम "भारतीय संवर्धन वीमारियों का नाम से सत्यवत निओपेन्टेरो-पेथाज्म का आवतन और इतिवृत्तिका अभिनयान"।
2. प्रायोजन स्थल मौलाना आजाद मेडिकल कॉलेज, नई दिल्ली।
3. प्रयोजक मैसर्स मिया हलैकानिकस इंडिया (प्रा०) लिमिटेड राजेंद्रनगर इंडस्ट्रियल इस्टेट, पो० आ० मोहन नगर, राजियाबाद-201007
4. परियोजना की अवधि
 

(क) शुरुआत होने की प्रस्तावित तारीख	20-12-1980
(ख) समाप्त होने की संभावित तारीख	19-12-1984
5. कुल प्राक्कलित व्यय :
 

(i) कर्मचारिवृत्त	1,51,920 रु०
(ii) प्राक्कलित व्यय	1,28,080 रु०

 इसके अंतर्गत पशु और उनका चारा, रसायनिक द्रव्य, मांश, कोष, बर्तन, लेखन सामग्री, यात्रा भत्ता और टाइप-राइटर, वाता-नुकूलन यंत्र, टेबल, टी० प० मेन्ट्रीगेज जेल—इलेक्ट्रो फोरमिस-फिट भी है।

योग

2,80,000 रु०

(केवल दो लाख और अन्धी हजार रुपये)

उपर्युक्त परियोजना का अनुमोदन निम्नलिखित शर्तों के अधीन रखने हुए होगा:—

- (1) यह कि संस्थान इस अनुसंधान परियोजना के लिए प्राप्त रकम और उपगत व्यय का एक पृथक् लेखा रखेगा जो मौलाना आजाद मेडिकल कॉलेज, नई दिल्ली के अन्य व्ययों से सुभित होगा।
- (2) यह कि संस्थान इस वैज्ञानिक अनुसंधान परियोजना की वार्षिक विवरणियाँ, प्रति वर्ष 31 मई तक परिषद को ऐसे प्रारूप में भेजेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उन्हें सूचित किया जाए।
- (3) यह कि संस्थान लेखाओं का वार्षिक संपरीक्षित विवरण परिषद को प्रति वर्ष 31 मई तक भेजेगा और इसके प्रातिरिक्त इसकी एक प्रति सम्बद्ध आयकर आयुक्त को भेजेगा।

मौलाना आजाद मेडिकल कॉलेज, नई दिल्ली को आयकर अधिनियम की धारा 35(i) (ii) के अधीन अनुमोदित किया गया है देखिए, वित्त मंत्रालय राजस्व विभाग की अधिसूचना सं० 3223 (फा० सं० 203/103/80-आई टी० ए० II तारीख 25 मार्च, 1980)

[सं० 3832/फा० सं० 203/10/41-आई० टी० ए०-II]

एम० के० पाण्डेय, उप सचिव-

New Delhi, the 5th January, 1981

नई दिल्ली, 12 फरवरी, 1981

## INCOME TAX

## आय-कर

**S O. 1033**—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purpose of sub-section (2A) of Section 35 of the Income-tax Act 1961 by the Indian Council of Medical Research, New Delhi

1	Name of the Scientific Research Programme	'Incidence and aetiological characterization of Neo-enteropathogens associated with diarrhoeal diseases'
2	Sponsored at	Maulana Azad Medical College, New Delhi
3	Sponsored by	M/s Siva Electronics India (P) Ltd, Rajinder Nagar Ind Estate, P O Mohan Nagar, Ghaziabad-201007
4	Duration of Project	Four years
	(i) Proposed date of commencement	20-12-1980
	(ii) Anticipated date of completion	19-12-1984
5	Total estimated expenditure	
	(i) Staff	Rs 1,51,920
	(ii) Contingencies — including animals and their feed, chemical, media, glassware, stationery, T A and cost of typewriter, airconditioner, table top centrifuge, gel-electrophoresis kit	Rs 1,28,080
	Total	Rs 2,80,000

(Rupees two lakhs and eighty thousand only)

The approval for the above project will be subject to the following conditions —

- 1 That the Institute will maintain a separate account of the amounts received and expenditure incurred for this research project as distinct from the other expenditure of the Maulana Azad Medical College, New Delhi
- 2 That the Institute will furnish annual returns of this scientific research project to the Council by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose
- 3 That the Institute will furnish a copy of the annual audited statement of account to the Council by 31st May each year and in addition to send a copy of it to the concerned Income-tax Commissioner

The Maulana Azad Medical College, New Delhi has been approved under section 35(i)(ii) of the Income-tax Act vide Ministry of Finance, Department of Revenue, Notification No 3223 (F No 203/103/80 IFA II), dated the 25th March, 1980

[No 3832 F No 203/10/81-JTA-II]

M K PANDEY, Dy Secy

**क्र. आ. 1084.**—केन्द्रीय सरकार, आय-कर अभिनियम, 1961 (1961 का 43) की धारा 80छ की उपधारा 2(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अरुमिग पालामुथीर-सोलई मुरुगन मन्दिर, 5, बल्लभभाई रोड, चोकीकुलम मदुरै को, तमिलनाडु राज्य में सर्वत्र विख्यात लोक पूजा का स्थान अधिसूचित करती है।

[सं 3840/फा स 176/15/81-आ क (ए.1)]

बी बी श्री निवासन, उप सचिव

New Delhi, the 12th February, 1981

## INCOME-TAX

**SO 1084.**—In exercise of the powers conferred by the section (2)(b) of section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Arumigu Palamuthirsolai Murugan Temple, 5 Vallabhaji Road, Chockikulam, Madurai to be place of public worship of renown throughout the State of Tamil Nadu

[No 3840/F No 176/16/81-JT(AI)]

V B SRINIVASAN, Dy Secy

## शुद्धि-पत्र

नई दिल्ली, 20 मार्च, 1981

**क्र. आ. 1085.**—दिनांक 1 नवम्बर, 1980 के भारत के राज-पत्र के भाग 2, खंड 3, उपखंड (2) में पृष्ठ 3717 पर प्रकाशित भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) के दिनांक 13 अक्टूबर, 1980 के आदेश संख्या का आ. 2945 में 5वीं पंक्ति में 'ऋण-पत्रों' के स्थान पर ऋण पत्रों अथवा 'प्रोमिसरी नोटों' पढ़ा जाए।

[सं 9/81-स्टाम्प फा सं 33/33/80-वि. कर.]

जी एस. मेहरा, अवर सचिव

## ERRATA

New Delhi, the 20th March, 1981

**S O 1085**—In the Order of the Government of India in the Ministry of Finance (Department of Revenue) No S O 2945, dated the 13th October, 1980 published at page 3717 in Part II Section 3, sub-section (ii) of the Gazette of India dated the 1st November, 1980, in line 5, for debentures' read 'debentures or promissory notes'

[No 9/81-Stamp/F No 33/33/80-ST]

G S MEHRA, Under Secy

## (आर्थिक कार्य विभाग)

## (बैंकिंग प्रभाग)

नई दिल्ली, 13 मार्च, 1981

**क्र. आ. 1086.**—प्रादेशिक ग्रामीण बैंक अभिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री ए के बनर्जी को श्री बी के घोष के स्थान पर स्थान परगना ग्रामीण बैंक, दुमका का अध्यक्ष नियुक्त करती है। जिस तारीख से श्री ए के बनर्जी, श्री बी के घोष से अध्यक्ष का

कार्यभार संभालेंगे, उससे आरम्भ होने वाली तीन वर्ष की अवधि के लिए श्री बनर्जी इस पद पर कार्य करेंगे।

[संख्या एफ. 8-47/79-आर. आर. बी.]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 13th March, 1981

**S.O. 1086.**—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri A. K. Banerjee as the Chairman of the Santhal Parganas Gramin Bank, Dumka vice Shri B. K. Ghosh for a period of three years commencing on the date on which Shri A. K. Banerjee actually takes over the charge as such Chairman from Shri B. K. Ghosh.

[No. F. 8-47/79 RRB]

नई दिल्ली, 20 मार्च, 1981

**क्र. आ. 1087.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा श्री के. कृष्णमूर्ति को श्री बंकेश्वर ग्रामीण बैंक का अध्यक्ष नियुक्त करती है तथा 22-3-1981 से प्रारम्भ होकर 21-3-1984 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री के. कृष्णमूर्ति अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ. 1-28/80-आर. आर. बी.]

New Delhi, the 20th March, 1981

**S.O. 1087.**—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri K. Krishnamurthi as the Chairman of Shri Venkateswara Gramina Bank and specifies the period commencing on the 22nd March, 1981 and ending with the 21st March, 1984 as the period for which the said Shri K. Krishnamurthi shall hold office as such Chairman.

[No. F. 1-28/80-RRB]

**क्र. आ. 1088.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री अरुण कुमार एस. राव को अलीगढ़ ग्रामीण बैंक अलीगढ़ का अध्यक्ष नियुक्त करती है तथा 22-3-1981 से प्रारम्भ होकर 21-3-1984 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री अरुण कुमार एस. राव अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ. 1-31/80-आर. आर. बी.]

इन्द्रानी सेन, अधर सचिव

**S.O. 1088.**—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Arun Kumar S. Rao as the Chairman of the Aligarh Gramin Bank, Aligarh and specifies the period commencing on the 22nd March, 1981 and ending with the 21st March, 1984 as the period for which the said Shri Arun Kumar S. Rao shall hold office as such Chairman.

[No. F. 1-31/80-RRP]

INDRANI SEN, Under Secy.

नई दिल्ली, 18 मार्च, 1981

**क्र. आ. 1089.**—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उप-बन्ध) स्कीम, 1980 के खंड 8 के उपखंड (1) के साथ पठित खंड

3 के उपखंड (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री जे. बी. कामथ को 18 मार्च, 1981 से आरम्भ होकर 6 दिसम्बर, 1982 को समाप्त होने वाली अवधि के लिए कारपोरेशन बैंक के प्रबन्ध निदेशक के रूप में नियुक्त करती है।

[संख्या एफ. 9(36)/80-बी. ओ.-1(1)]

New Delhi, the 18th March, 1981

**S.O. 1089.**—In pursuance of sub-clause (a) of clause 3, read with sub-clause (1) of clause 8, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri J. B. Kamath as the Managing Director of Corporation Bank for the period commencing on 18th March, 1981 and ending with 6th December, 1982.

[No. F. 9/36/80-BO. I(1)]

**क्र. आ. 1090.**—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उप-बन्ध) स्कीम, 1980 के खंड 7 के साथ पठित खंड 5 के उपखंड (1) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री जे. बी. कामथ को, जिन्हें 18 मार्च, 1981 से कारपोरेशन बैंक का प्रबंध निदेशक नियुक्त किया गया है, उसी तारीख से कारपोरेशन बैंक के निदेशक मण्डल के अध्यक्ष के रूप में नियुक्त करती है।

[संख्या एफ. 9(36)/80-बी. ओ.-1(2)]

**S.O. 1090.**—In pursuance of subclause (1) of clause 5, read with clause 7, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri J. B. Kamath, who has been appointed as the Managing Director of Corporation Bank with effect from 18th March, 1981, to be the Chairman of the Board of Directors of the Corporation Bank with effect from the same date.

[No. F. 9/36/80-BO. I(2)]

**क्र. आ. 1091.**—यतः राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम 1980 के खंड 3 के अधीन राष्ट्रीयकृत बैंक कारपोरेशन बैंक के निदेशक मंडल का गठन किया जाना है ;

अतः अब उक्त स्कीम के अनुसरण में, केन्द्रीय सरकार कारपोरेशन बैंक के निदेशक मंडल का 18 मार्च, 1981 से गठन करती है ; और

(क) निम्नलिखित सारणी क के कालम (1) में विनिर्दिष्ट व्यक्ति को क्रमशः उक्त सारणी के कालम (2) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट अवधि के लिए प्रबन्ध निदेशक ; और

(ख) निम्नलिखित सारणी ख में विनिर्दिष्ट व्यक्तियों को उक्त बैंक के निदेशक नियुक्त करती है।

#### सारणी-क

(1) श्री जे. बी. कामथ, प्रबन्ध निदेशक  
खंड 3 के उपखंड (क) के अनुसरण में

(2) 18 मार्च, 1981 से आरम्भ होकर 6 दिसम्बर, 1982 को समाप्त होने वाली अवधि के लिए

## सारणी-ख

1. श्री पी. के. वेकटेश्वरन, संयुक्त मुख्य अधिकारी,  
बैंकिंग परिचालन तथा विकास विभाग,  
भारतीय रिजर्व बैंक,  
बंबई।

खंड 3 के उपखंड (ख) के अनुसार में

2. श्री वी. के. ढाल, निदेशक,  
वित्त मंत्रालय, आर्थिक कार्य विभाग  
(बैंकिंग प्रभाग)

खंड 3 के उपखंड (ज) के अनुसार में

[सं. एफ. 9/36/80-बी. ओ.-1(3)]

श. वा. मीरचन्दानी, उप सचिव

S.O.1091—Whereas a Board of Directors of Corporation Bank, a nationalised bank, is to be constituted under clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980;

Now, therefore, in pursuance of the said Scheme, the Central Government hereby constitutes the Board of Directors of Corporation Bank with effect from 18th March, 1981 and appoints—

- (a) the person specified in column (1) of Table A below as the Managing Director of the said Bank for the respective period specified in the corresponding entry in column (2) of the said Table; and

- (b) the persons specified in Table B below as the Directors of the said Bank.

TABLE A

(1)	(2)
Shri J.B. Kamath, Managing Director—in pursuance of sub-clause (a) of clause 3.	For the period commencing on 18th March, 1981 and ending with 6th December, 1982.

TABLE B

- Shri P.K. Venkateswaran, Joint Chief Officer, Department of Banking Operations and Development, Reserve Bank of India, Bombay.  
—in pursuance of sub-clause (g) of clause 3.
- Shri V.K. Dhall, Director, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi.  
—in pursuance of sub-clause (h) of clause 3.

[No. F. 9/36/80-BO I(3)]

C.W. MIRCHANDANI, Dy. Secy.

## केन्द्रीय उत्पाद शुल्क समाहर्ता का कार्यालय

बम्बई, 7 मार्च, 1981

क्र० आ० 1092 :—केन्द्रीय उत्पादन शुल्क नियमावली, 1944 के नियम 5 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में जारी पहले की 3 में उल्लिखित हम समाहर्तालय के अधिकारियों को कथित मारणी के स्तम्भ संख्या 6 में वर्णित केन्द्रीय उत्पादन शुल्क नियमावली, 1949 के सम्बन्ध में समाहर्ता की जक्तिया का प्रयोग करने के लिए प्रत्यायोजित करता है। बशर्ते कि वे स्तम्भ संख्या में लगाये गए प्रतिबंधों के अनुसार हों।

## सारणी

क्रम संख्या	क्र० उ० शु० नियम	प्रत्यायोजित शक्ति की प्रकृति	अधिकारी, जिसे प्रत्यायोजित किया गया	सीमा
1	2	3	4	5
1.	3	प्राधिकृत व्यक्ति/एजेंट का अनुमोदन	अधीक्षक	
2.	9(1)	(i) विशिष्ट स्थान जहाँ उत्पाद शुल्क के माल उत्पादित अभि- माधित प्रथवा विनिर्मित किए जाते हैं, तथा उससे जुड़े परिसर (ii) चालू खाता खोलने की अनुमति।	अधीक्षक	
3.	9(1ए)	चालू खाता से रकम निकालना।	सहायक समाहर्ता	क्र० उ० शु० द्वारा निर्धारित कार्यविधि के अनुसार।
4.	9(बी)(3)	सामान्य बन्धपत्र की स्वीकृति तथा अतिरिक्त बन्धपत्र प्रथवा अति- रिक्त प्रतिभूति की मांग।	सहायक समाहर्ता	
5.	13ए(3) (6) तथा (7)	माध्यम/सूचना/लिखा खाता आदि संगठन के लिए समाहर्ता का समाधान	सहायक समाहर्ता धनवापसी	
6.	13	अलग अलग बन्धपत्र (प्रतिभू/प्रतिभूति) की स्वीकृति तथा ऐसे बन्धपत्र के लिए निर्यात साक्ष्य की स्वीकृति।	अधीक्षक धनवापसी	
7.	14	सामान्य बन्धपत्र तथा निर्यात साक्ष्य की स्वीकृति।	सहा० समा० धनवापसी	
8.	14ए	निर्यात साक्ष्य प्रस्तुत करने में चूक पर दण्ड कार्रवाई।	सहा० समा० धनवापसी	
9.	14ए	(ii) आगे निर्धारित करने की अनुमति की मजूर न करने का अधिकार।	उप समाहर्ता	

1	2	3	4	5
		(iii) परन्तु (सी) के अन्तर्गत अधिकार।	सहायक समा० धनवापसी	
10	14बी(1)	(1) बन्धनपत्र की राशि से 50 प्रतिशत तक अधिक निकालना।	सहायक समाहर्ता	
		(ii) बन्धनपत्र की राशि से 75 प्रतिशत अधिक निकालना	उप समाहर्ता	
11	14बी(2)	आगे नियति करने को नामजूर करने का अधिकार	उप समाहर्ता	
12	18(3)	प्रतिभूति जमान करन का अधिकार।	सहायक समाहर्ता	
13	27(1)	लाइसेंस, बन्धनपत्र तथा अन्य शर्तों के लिए अधिकार।	अधीक्षक	
14	30	प्रारम्भिक तौर	उप समाहर्ता	
15	38	अभिमाधन श्रीर पैकिंग के बाव अविवर्तित उत्पादों के लिये आवास प्राप्त करना।	अधीक्षक	
16	43	नाटिम की प्राप्ति की पावती।	अधीक्षक	
17	44	घोषणा के लिए अधिकार।	अधीक्षक	
18	46	बिन्दु लगान के लिए अधिकार।	अधीक्षक	
19	47(1) तथा (3)	मण्डार कक्ष के अनुमान के लिए छूट।	अधीक्षक	
20	48	बन्धनपत्र और प्रतिभूति।	अधीक्षक	
21	50	उत्पादन शुल्क मांग का न जान की अनुज्ञा	अधीक्षक	
22	51A	(1) अब (i) विद्युत् पम्पे (2) विद्युत् बैटरी (3) सोलैन्ट (4) ऊनी पंपे (5) चीनी तथा (6) विद्युत् ग्रह को लगाकर अन्य माल पुन निर्माण, परिष्करण, पुनर्नवन अथवा उससे मिलती जुलती प्रक्रिया के लिए कारखाने में वापिस भेजे जाते हैं।	अधीक्षक	समाहर्ता द्वारा दिनांक 3 नवम्बर, 1969 को समाहर्तालय अधिसूचना सं० सी० ई० आर० 173-एच०/1/69 में निर्धारित कार्यविधि में अनुसार।
		(2) जहाँ शुल्क का भुगतान करन पर निकासी के बाद अदृष्ट स्थितियों यथा अन्तर्गत आहवा की खराबी से अथवा वैगना की अनुपलब्धता से माल गुरन कारखाने में नहीं निकाले जा सकते।	—, —	—, —
		(4) रखे बर्किय के आचानक बन्द हान में शुल्क का भुगतान किए गए निकाले गए माल कारखाने में वापिस लाए जाते हैं।	—, —	—, —
		(1) जब शुल्क प्रदत्त उत्पाद शुल्क के माल परोक्षण, आकार जानने के लिए अथवा निर्माण की रिति जानने के लिए कारखाने में लाए जाते हैं।	—, —	—, —
		(5) नुबसान टूट चीनी/सोलेन्ट परिष्करण और पनसमाधन के लिए कारखाने में लाए जाते हैं।	—, —	—, —
		(6) विद्युत् बैटरी, पम्पे तथा विद्युत् बल्ब टायर, ट्यूब, आन्तर वलन इलीन, विद्युत् मोटर मरम्मत अथवा पुनर्नवन के लिए कारखाने में वापिस लाए जाते हैं।	—, —	—, —
		(7) जब शुल्क प्रदत्त माल फुटकर बिक्री के लिए अथवा पुरक जारी करन के लिए कारखाने के परिसरों में संग्रहित करन के लिए अनुज्ञा किए जाते हैं।	—, —	—, —
		(8) जन परेषित द्वारा अस्विकृत शुल्क प्रदत्त माल पुनर्वितरण के लिए कारखाने में लाए जाते हैं अथवा क्षतिग्रस्त माथ नुबसान की सीमा जानने के लिए ऐसे माल के निपटान अधिनिर्णित करने के लिए कारखाने में लाए जाते हैं।	अधीक्षक	समाहर्ता द्वारा दि० 3 नवम्बर 1969 की समाहर्तालय अधिसूचना सं० सी० ई० आर० 173-एच०/1/69 में निर्धारित कार्यविधि के अनुसार।
		(9) जब अन्य माल के विनिर्माण में प्रयोग के लिए शुल्क से छूट प्राप्त माल सहित शुल्क प्रदत्त माल बाहर से कारखाने में रखे/लाये जाने अथवा निर्माण या मरम्मत के लिए अथवा जाडा (फिटिंग) के रूप में प्रयोग के लिए, अथवा उपकरण अथवा अन्य प्रयाजन के लिए जिसमें माल सामान्य रूप से खपत किए जाते हैं, के लिए कारखाने में जाते हैं।	—, —	—, —
		(10) जन प्रदत्त माथ 10 अन्य प्राप्ति की पावतीया	सहायक समाहर्ता	
		न जान के लिए अधिदत्त प्रस्तुत करने से मगय सीमा में बटौती।	सहायक समाहर्ता	

1	2	3	4	5
24	52ए	गेट पास के बन्ने निर्धारित प्रपत्र में निर्धारिती की दस्तावेजों की स्वी- कृति ।	सहायक समाहर्ता	
25	53	विनिर्माता का संचालन न होने पर भी विधि का गारंटी जो 1 में परिचित करने की अनुज्ञा ।	अधीक्षक	
26	54	अस्य उत्पादों के लिए विवरणिका माग करने का अधिकार ।	उप समाहर्ता	
27	56ए	(i) विनिर्माता को प्रक्रिया उपयोग करने की अनुमति देने का अधिकार ।	सहायक समाहर्ता	
		(ii) अनुमति का वापस लिया जाना ।	उप समाहर्ता	
28	56 बी	अनुमति का स्वीकार किया जाना ।	सहायक समाहर्ता	
29	65(3) और (4)	नाम रसीद तथा बन्ध-पत्र आदि दस्तावेजों की निर्धारित संख्या	अधीक्षक	
30	75	संचालन के लिए समय निर्धारित करना ।	सहायक समाहर्ता	
31	85	बो अधिकारी, जिसे समाहर्ता द्वारा अधिकार मांगे गये हों ।	मुख्य रसायनज्ञ/केन्द्रीय राजस्व नियंत्रण प्रयोगशाला-प्रभारी अधिकारी ।	
31	92ए(1)	पहली विशेष कार्यविधि हेतु आवेदन की स्वीकृत करने का अधिकार	अधीक्षक सहायक समाहर्ता	निर्धारित अवधि के लिए उपरोक्त निर्धारित अवधि में वस समय के लिए ।
32	92ए(3)	विवरण की अवधि अधिनियमित करना अथवा माफ करना ।	सहायक समाहर्ता	
33	92ए(4)	(i) नवीकरण आवेदन स्वीकृत करना । (ii) निवारण की अवधि अधिनियमित करना अथवा माफ करना ।	अधीक्षक सहायक समाहर्ता	15 दिन के अन्दर 15 दिन में अनधिक
34	92बी	शुल्क की देनदारी गणना करने के प्रयोजन के लिए समाप्त अवधि का वर्जन ।	सहायक समाहर्ता	
35	92(बी3)	अत्यावधि के लिए नोटिस स्वीकार करना ।	अधीक्षक	
36	92बी(2)	साप्ताहिक जमा/आवेदन प्रस्तुत करने में विलम्ब का माफ करना	अधीक्षक सहायक समाहर्ता	साप्ताहिक जमा/आवेदन के लिए दो दिनों तक मासिक जमा/आवेदन के लिए पांच दिनों तक । उपरोक्त वर्णित अवधि के बाहर
37	92ई(iii)	विशेष कार्य विधि उपभोग करने से वञ्चित करना	उप समाहर्ता	
38	92एफ	विशेष कार्यविधि हेतु आवेदन करने की वृत्त को माफ करना ।	उप समाहर्ता	
39	93(बी)(iii)	लपेटन/बाहरी आवरण और पश्चियों का अनुमोदन ।	अधीक्षक	अनुमोदित नभूत सहा. समाहर्ता और समाहर्ता को प्रस्तुत किए जाने के लिए ।
40	96-डी 96-डीडी 96-ई 96-ईई }	सामान्य बन्धपत्र की स्वीकृति तथा नए बन्धनपत्र/अतिरिक्त प्रतिभूति की माग ।	सहायक समाहर्ता उप समाहर्ता अधीक्षक	मण्डल के अन्दर ले जाने के लिए मण्डल/समाहर्तालय के बाहर ले जाने के लिए । सभी मामलों में बन्धपत्र की स्वीकृति ।
41	96-1(1)	विशेष कार्यविधि हेतु आवेदन (ए० एस० पी०) स्वीकृत करना ।	अधीक्षक	
42	96-1(2)	विशेष कार्यविधि हेतु आवेदन (ए० एस० पी०) अत्यावधि के लिए स्वीकृत करना ।	सहायक समाहर्ता	
43	96-1(3)	निवारण की अवधि अधिनियमित करना ।	सहायक समाहर्ता	
44	96-1(4)	(i) विशेष कार्यविधि हेतु (ए० एस० पी०) नवीकरण आवेदन स्वीकृत करना । (ii) निवारण की अवधि अधिनियमित करना अथवा माफ करना ।	अधीक्षक अधीक्षक	15 दिन से अतिरिक्त का निलम्ब माफ करना ।

1	2	3	4	5
			सहायक समाहर्ता	15 दिन से अधिक विलम्ब माफ करना।
45.	98-के (2)	आवेदन करने की शूक को माफ करना।	अधीक्षक	निमाह्ता आवेदन के लिए दो दिन तथा बाविक आवेदन के लिए।
46.	96-एमएमएम	विशेष कार्यविधि हेतु आवेदन करने की शूक को माफ करना।	उपसमाहर्ता	
47.	96-प्रो (1)	विशेष कार्यविधि हेतु आवेदन स्वीकृत करना (ए० एम० पी०)	अधीक्षक	
48.	96-प्रो (2)	विशेष कार्यविधि हेतु आवेदन (ए० एम० पी०) अल्पावधि के लिए स्वीकृत करना।	सहायक समाहर्ता	
49.	96-प्रो (3)	निवारण की अवधि अभिनिर्णित करना।	सहायक समाहर्ता	
50.	96-प्रो (4)	(i) प्रपत्र I (ए० एम० पी०) में नवीकरण आवेदन स्वीकृत करना। (ii) निवारण की अवधि अभिनिर्णित करना अथवा माफ करना।	अधीक्षक अधीक्षक	15 दिन से अधिक विलम्ब माफ करना।
51.	96-स्यू (1) परन्तु—	अलग-अलग साप्ताहिक आवेदन की अनुमति देना।	सहायक समाहर्ता	
52.	96-स्यू (2)	आवेदन/जमा देने में हुए विलम्ब को माफ करना।	अधीक्षक	साप्ताहिक आवेदन जमा के मागने में एक दिन तक तथा मासिक/निमाही आवेदन/जमा देने में दो दिन तक। उपरोक्त सीमा के ऊपर।
53.	96-यू	विशेष कार्यविधि हेतु आवेदन की शूक को माफ करना।	सहायक समाहर्ता	
54.	96-वाय (1)	ए० एम० पी० स्वीकृत करना।	उप समाहर्ता	
55.	96-वाय (2)	अल्पावधि के लिए ए० एम० पी० स्वीकृत करना।	अधीक्षक	
56.	96-वाय (3)	निवारण अवधि अभिनिर्णित करना।	सहायक समाहर्ता	
57.	96-वाय (4)	(i) प्रपत्र ए० एम० पी० में नवीकरण आवेदन स्वीकृत करना। (ii) निवारण अवधि अभिनिर्णित करना तथा/और माफ करना।	सहायक समाहर्ता अधीक्षक अधीक्षक	15 दिन से अधिक विलम्ब माफ करना। 5 दिन तक।
58.	96-ई (2)	आवेदन करने में विलम्ब को माफ करना।	अधीक्षक	
59.	96-झेझेझे	विशेष कार्यविधि हेतु आवेदन देने में शूक को माफ करना।	उप समाहर्ता	
60.	96-झेएच (1)	विशेष कार्यविधि हेतु (ए० एम० पी०) स्वीकृत करना।	अधीक्षक	
61.	96-झेएच (2)	विशेष कार्यविधि अल्पावधि हेतु (ए० एम० पी०) स्वीकृत करना।	सहायक समाहर्ता	
62.	96-झेएच (3)	निवारण अवधि अभिनिर्णित करना।	सहायक समाहर्ता	
63.	96-झेएच (4)	(i) प्रपत्र विशेष कार्यविधि (ए० एम० पी०) के नवीकरण आवेदन स्वीकृत करना। (ii) निवारण अवधि अभिनिर्णित करना तथा/और माफ करना।	अधीक्षक अधीक्षक	15 दिन से अधिक विलम्ब माफ करना।
64.			सहायक समाहर्ता	15 दिन से अधिक विलम्ब माफ करना।
65.	96-झे 1 (4)	भुगतान करने में हुए विलम्ब को माफ करना।	अधीक्षक	5 दिनों तक उपरोक्त सीमा के बाहर।
66.	96-झेएम		सहायक समाहर्ता	
77.	96-झेएम	विशेष कार्यविधि के आवेदन में शूक को माफ करना।	उप समाहर्ता	
67.	97 तथा 97ए	(i) शुल्क वापसी स्वीकृत करना तथा समाहर्ता का समाधान। (ii) माल वापसी के लिए अवधि की बटौतरी।	सहायक समाहर्ता उप समाहर्ता	
68.	100	शुल्क वापस करने की समाहर्ता की शक्तियां।	सहायक समाहर्ता।	
69.	140	(i) भांडारगृह प्रावधान हेतु लाइसेंस देना तथा नए बन्धपत्र/प्रतिभूति की मांग करना। (ii) लाइसेंस रद्द करना तथा माल की निकासी का निदेश देना।	अधीक्षक सहायक समाहर्ता	
70.	145	तम्बाकू को छोड़कर—भांडारगृह अवधि बढ़ाने का अधिकार।	अधीक्षक सहायक समाहर्ता	नियम के खंड (क) के अन्तर्गत नियम के खण्ड (ख) के अन्तर्गत।



71	153	बन्धपत्र संचालन करने तथा बन्धपत्र स्वीकार करने का अधिकार।	निरीक्षक	
72.	154	बन्धपत्र के माल के संचालन करने का अधिकार बन्धपत्र की 1 स्वीकृति तथा नये बन्धपत्र/प्रतिभूति की मांग।	अधीक्षक	
73	164	(i) अलग अलग बन्धपत्र का निष्पादन।	अधीक्षक	
		(ii) सामान्य बन्धपत्र का निवारण तथा जो बन्धपत्र/प्रतिभूति/प्रतिभू की मांग।	सहायक समाहर्ता	
74.	165(2)	अधिम भुगतान के लिए मांग।	अधीक्षक	
75.	169	भाण्डागार रक्षक की नियुक्ति।	उप समाहर्ता	
76.	173(1ए)	आलू खाने से रकम निकालने की अनुमति।	सहायक समाहर्ता	समाहर्ता द्वारा निर्धारित कार्य विधि के पालन के लिए।
77.	173(बी2)(ii)	निर्धारित की गेट पास पर शुल्क की दर न दिखाने की अनुमति।	उप समाहर्ता	
78.	173(एन) और एम(i)	माल की वापसी के लिए अवधि बढ़ाना।	उप समाहर्ता	
		(ii) भांडागार में छूट को छोड़कर समाहर्ता की शक्तियां।	सहायक समाहर्ता	
79.	173(एन)(5)	बन्ध पत्र की शर्तें।	अधीक्षक	
80.	173(एन)(6)	पुनः भांडागार प्रमाणपत्र के लिए अवधि की बढ़ोतरी।	उप समाहर्ता	
81.	173(ओ)(1)	(i) चिन्ह निर्धारित करना।	सहायक समाहर्ता	
		(ii) अल्पावधि में पैकेजों को उचित अधिकारी को प्रस्तुत करना।	अधीक्षक	
82.	180	लाइसेंस का परिवर्तन अथवा प्रतिस्थापन	अधीक्षक	
83.	185	(i) अन्य तरीके से विपणन करने की अनुज्ञा।	सहायक समाहर्ता	
		(ii) पैकेजों को प्रस्तुत करने के लिए अल्पावधि निर्धारित करने में समाहर्ता की शक्ति —	अधीक्षक	
84.	189 } 189-ए } 189-बी }	शुल्क वापसी स्वीकृत करना।	सहायक समाहर्ता	
85.	191	(i) सूत्र का अनुमोदन तथा रियायत की वापसी।	उप समाहर्ता	
		(ii) स्थापना लागत निर्धारित करने तथा रियायत नामंजूर करने को छोड़कर समाहर्ता की अन्य शक्तियां।	सहायक समाहर्ता	
86.	191-ए	तीन महीने से अधिक अवधि की बढ़ोतरी [उप नियम (7)]	उप समाहर्ता	
		प्रतिभूति का अपहरण [उप नियम (12)] सूत्र का अनुमोदन।		
87.	191-बी	(i) अवशिष्ट/उच्छिष्ट को नष्ट करना तथा शुल्क पर छूट।	उप समाहर्ता	
		(ii) सूत्र का अनुमोदन।		
		(iii) उप नियम (4ए) के अंतर्गत रियायत नामंजूर करने तथा स्थापना लागत को छोड़कर समाहर्ता की अन्य शक्तियां।		
88.	192	(i) अनुज्ञा स्वीकार करना।	विशेषण अधिसूचना में उल्लिखित अधिकारी	
		(ii) लाइसेंस जारी करना तथा बन्धपत्र की राशि तथा प्रतिभूति निर्धारित करना।	अधीक्षक	
89.	193	पैकिंग का तरीका।	सहायक समाहर्ता	
90.	196	(i) रियायत वापस होना।	उप समाहर्ता	
		(ii) प्रतिभूति तथा अन्य दण्ड कार्रवाई का अपहरण	न्यायनिर्णयन अधिकारी	
91.	206(3)	(i) बन्धपत्र तथा प्रतिभूति पर अभिग्रहीत वाहनों की अस्थायी गिराई।	सहायक समाहर्ता अथवा सहायक समाहर्ता की श्रेणी के नीचे अधिनियम अधिकारी।	
		(ii) बन्धपत्र तथा प्रतिभूति पर अभिग्रहीत वाहनों की अस्थायी गिराई।	अधिनियम अधिकारी	
92.	210-ए	अपराध प्रशमन करना तथा प्रशमन शुल्क निर्धारित करना।	उप समाहर्ता	(i) मूल्य बिना सीमा के प्रशासन शुल्क प्रत्येक मामले के लिए ₹० 15000 से अधिक नहीं।
			सहायक समा०	(ii) सहा० समा० मूल्य ₹० 5000 प्रशासन शुल्क ₹० 750
			अधीक्षक	(iii) अधो० मूल्य ₹० 1000 प्रशासन शुल्क ₹० 250

1	2	3	4	5
93.	212	(i) जब्ती माल की बिक्री।	सहायक समाहर्ता अथवा अभिनिर्णयन अधिकारी जो सहा० समा० की श्रेणी में नीचे हो।	
		(ii) जब्ती माल को नष्ट करना।	बट्टे खाते में डालने के परिहार मूल्य/माल के शुल्क के लिए सक्षम अधिकारी।	
94.	212ए	भांडागार शुल्क का भुगतान।	न्यायनिर्णयन अधिकारी	
95.	222	नई घोषणा की मांग करना।	उप समाहर्ता	
96.	223ए	वार्षिक माल का हिसाब किताब करना।	सहायक समाहर्ता	
97.	224(1)	निर्धारित षण्टे से बाहर तथा छुट्टियों में माल सुपुर्द करना।	अधीक्षक	
98.	227	माप वजन तथा तोलन मशीन के लिए आश्वासन।	सहायक समाहर्ता	
99.	229	(i) कार्यालय आश्वासन की मांग करना। (ii) निवास गृह की मांग करना।	सहायक समाहर्ता उप समाहर्ता	
100.	230	माल, संयंत्र तथा मशीनरी का (रोकना) अवरोध।	सहायक समाहर्ता	

[अधिसूचना सं० सी० ई० प्रार०/प्रार०-5(1)/81/का०-सं० V(30)26/सामान्य/—81]

कु० श्री दिलीप सिंहजी, समाहर्ता  
केन्द्रीय उत्पाद-शुल्क।

## Office of the Collector of Central Excise

Bombay, the 7th March, 1981

S.O. 1092.— In exercise of the powers conferred upon me under Rule 5 of the Central Excise Rules, 1944 and in supersession of the earlier notifications issued in the same regard, I hereby authorise the Officers of this Collectorate mentioned in column No. 3 of the Table below, to exercise the powers of the Collector in respect of the rules of the Central Excise Rules, 1944 mentioned in column No. 1 of the said Table, subject to restrictions imposed in column No. 4 *ibid*.

TABLE

Sr. Central Excise Rules No.	Nature of Power delegated	Officer to whom delegated	Limitations
1	2	3	4
1. 3	Approval of authorised persons/agent	Superintendent	
2. 9(1)	(i) Specifying places where excisable goods are produced, cured or manufactured and premises appertenant thereto. (ii) Permission to open account current.	-do-	
3. 9(1A)	Withdrawal of amount from account current.	Superintendent Asstt. Collector.	Subject to the procedure prescribed by the Collector.
4. 9B(3)	Acceptance of general bond and demand for additional bond or additional security.	Asstt. Collector.	
5. 12A(3) (6)&(7)	Satisfaction of Collector Power to call for evidence/information/books of account etc.	Asstt. Collector (Refund)	
6. 13	Acceptance of individual bond B.1 (Security/Surety) and acceptance of proof of export in respect of such bond.	Superintendent (Refund)	
7. 14	Acceptance of general bond and proof of export.	Asstt. Collector (Refund)	
8. 14A	Penal action for failure to produce proof of export.	Assistant Collector (Refund)	

1	2	3	4
9. 14A	(ii) Power to refuse permission to make further export.	Deputy Collector	
	(iii) Powers under proviso (C).	Asstt. Collector (Refund).	
10. 14B(1)	(i) Over-drawal up to 50% of the bond amount	Asstt. Collector	
	(ii) Over-drawal up to 75% of the bond amount	Deputy Collector	
11. 14B(2)	Power to refuse further export	Deputy Collector	
12. 18(3)	Power to forfeit security	Assistant Collector	
13. 27(1)	Powers regarding licensing, bonds and other conditions.	Superintendent	
14. 30	Preliminary weighment	Deputy Collector	
15. 38	Securing accommodation for unmanufactured products after curing and packing.	Superintendent	
16. 43	Receipt of notice	Superintendent	
17. 44	Power to require declaration	Superintendent	
18. 46	Power to require marking	Superintendent.	
19. 47(1)&(3)	Exemption for approval of storeroom	Superintendent	
20. 48	Bond and security	Superintendent	
21. 50	Permission to remove non-excisable goods.	Superintendent	
22. 51A	(1) When duty paid goods except (i) Electric Fans, (ii) Electric Batteries (iii) Cement (iv) Woollen Fabrics (v) Sugar and (vi) Electric bulbs are return to the factory for being remade, refined, re-conditioned or subjected to any similar process in the factory.	Superintendent	Subject to the procedure prescribed by the Collector in collectorate Notification No. CER 173-H/1/69, dated 3rd November, 1969
	(2) When after clearance on payment of duty the goods cannot immediately be removed from the factory, due to unforeseen circumstances beyond the manufacturers control, like sudden break-down of the carriers or non-availability of wagons etc.	Superintendent	-do-
	(3) Where goods cleared on payment of duty are brought back into the factory due to sudden suspension of booking on Railways.	Superintendent	-do-
	(4) When duty paid excisable goods are brought into the factory for Test, studying designs, method of construction etc.	Superintendent	-do-
	(5) Damage Sugar/Cement brought back to the factory for refining, reprocessing etc.	Superintendent	-do-
	(6) Electric batteries, Fan and Electric bulbs Tyres, Tubes, Internal Combustion Engine, Electric Motors brought in to the factory for repair, reconditioning etc.	Superintendent	-do-
	(7) When duty paid goods are allowed to be store in the factory premises for retail sale or issue as complimentary etc.	Superintendent	Subject to the procedure prescribed by the Collector in collectorate Notification No. CER 173-H/1/69, dated 3rd November, 1969
	(8) When duty paid goods refused by the consignee are returned to the factory for re-distribution or damage goods are brought into the factory to ascertain the extent of damage and to decide the disposal of such goods.	Superintendent	-do-

1	2	3	4
	(9) When duty paid goods, including exempted goods are retained in/or brought into the factory from outside for use in the manufacture of other goods or are required in the factory for construction or repair or for use as fittings, or equipment or for any other purpose for which such goods are normally consumed.	Superintendent	Subject to the procedure prescribed by the collector in collectorate Notification No. CER-173-H/1/69, dated 3rd November, 1969.
	(10) Other types of receipts of duty paid goods.	Asstt. Collector.	
23. 52	Reduction in time limit for putting in application for removal.	Asstt. Collector.	
24. 52A	Acceptance of assessee's documents in lieu of gate pass in prescribed form.	Asstt. Collector	
25. 53	Permission to manufacturer not to make entries in RG. 1 on dates when there is no transaction.	Superintendent	
26. 54	Power to require return for other products.	Deputy Collector	
27. 56A	(i) Power to permit a manufacturer to avail of the procedure.	Asstt. Collector	
	(ii) Withdrawal of permission	Deputy Collector.	
28. 56B	Grant of permission	Asstt. Collector.	
29. 65(3) & (4)	Trust receipt and bond etc.	Asstt. Collector.	
	Fixing number of banderols.	Superintendent.	
30. 75	Prescribing hours for transaction	Asstt. Collector	
31. 85	Officer to be empowered by the Collector.	Chief Chemist/Incharge Central Revenue Control laboratory of the respective area.	
32. 92A(1)	Power to accept first ASP	Superintendent Asstt. Collector.	For the prescribed period. For a period less than the prescribed one.
33. 92A(3)	To condone or determine the period of preclusion etc.	Asstt. Collector.	
34. 92A(4)	(i) Acceptance of renewal application.	Superintendent	
	(ii) To condone or determine the period of preclusion etc.	Superintendent Asstt. Collector	Upto 15 days. Beyond 15 days.
35. 92B	Exclusion of the period of closure for purposes of computing duty liability	Asstt. Collector.	
36. 92B(3)	Accepting notice for shorter period	Superintendent	
37. 92C(2)	To condone delay in weekly deposits/- submission of applications.	Superintendent	Upto 2 days in respect of weekly deposits/application. Upto 5 days in respect of monthly deposits/applications Beyond the period mentioned above.
		Asstt. Collector.	
38. 92 E(ii)	To debar availing of special procedure	Deputy Collector.	
39. 92 F	To condone failure to apply for Special Procedure.	Deputy Collector	
40. 93(b)(iii)	Approval of wrapper, outer covering or labels.	Superintendent.	Approved specimen to be sent to Assistant Collector and Collector.
41. 96-D	Permission for general bond and demands for/fresh bond/additional security.	Assistant Collector.	In case of removal within the division.
42. 96-DD		Deputy Collector.	In case of removal outside the division/Collectorate.
43. 96-E			Acceptance of bond in all cases.
44. 96-EE			
45. 96-I(1)	To accept A.S.P.	Superintendent	
46. 96-I(2)	To accept A.S.P. for shorter period	Superintendent	
47. 96-I(3)	To determine period of preclusion	Assistant Collector.	
48. 96-I(4)	(i) to accept renewal application in form A.S.P.	Assistant Collector.	
	(ii) to condone and/or determine the period of preclusion.	Superintendent	For condoning delay not exceeding 15 days.
		Assistant Collector.	For condoning delay exceeding 15 days.

1	2	3	4
49. 96-K(2)	To condone delay in making the application	Superintendent	Upto two days in case of quarterly application and 10 days in case of annual application. Beyond above limits.
50. 96-MMMM	To condone failure to apply for special procedure.	Assistant Collector. Deputy Collector.	
51. 96-O(1)	To accept A.S.P.	Superintendent.	
52. 96-O(2)	To accept A.S.P. for shorter period.	Assistant Collector.	
53. 96-O(3)	To determine period of preclusion	Assistant Collector.	
54. 96-O(4)	(i) to accept renewal application in form A.S.P.	Superintendent	
	(ii) to condone and/or determine the period of preclusion	Superintendent Assistant Collector	For condoning delay not exceeding 15 days. For condoning delay exceeding 15 days.
55. 96-Q(1)Proviso	To permit separate weekly application	Assistant Collector.	
56. 96-Q(2)	To condone delay in making application/deposit.	Superintendent.	Upto one day in case of weekly application/deposit and two days in case of monthly/-quarterly application/deposits Beyond above limits.
57. 76-U	To condone failure to apply for Special procedure.	Assistant Collector. Deputy Collector	
58. 96-Y(1)	To accept A.S.P.	Superintendent.	
59. 96-Y(2)	To accept A.S.P. for shorter period	Assistant Collector.	
60. 96-Y (3)	To determine period of preclusion	Assistant Collector.	
61. 96-Y (4)	(i) to accept renewal application in form A.S.P.	Superintendent.	
	(ii) to condone and/or determine the period of preclusion	Superintendent Assistant Collector.	For condoning delay not exceeding 15 days. For condoning delay exceeding 15 days.
62. 96-Z(2)	To condone delay in making application	Superintendent Assistant Collector	Upto 5 days. Beyond above limits.
63. 96-ZZZZ	To condone failure to apply for special Procedure.	Deputy Collector.	
64. 96-ZH(1)	To accept A.S.P.	Superintendent.	
65. 96-ZH(2)	To accept A.S.P. for shorter period.	Assistant Collector.	
66. 96-ZH(3)	To determine period of preclusion	Assistant Collector.	
67. 96-ZH(4)	(i) to accept renewal application in form A.S.P.	Superintendent.	
	(ii) to condone and/or determine the period of preclusion	Superintendent Assistant Collector.	For condoning delay not exceeding 15 days. For condoning delay exceeding 15 days.
68. 96-ZI(4)	To condone manner of and delay in making payment.	Superintendent Assistant Collector.	Upto to 5 days. Beyond above limits.
69. 96-ZM	To condone failure to apply for Special Procedure.	Deputy Collector.	
70. 97 & 97A	(i) Grants of refund and satisfaction of Collector.	Assistant Collector.	
	(ii) Extension of period for return of the goods.	Deputy Collector.	
71. 100	Collector's powers to refund duty	Assistant Collector.	
72. 140	(i) Licensing to provide warehousing and demand for a fresh bond/security.	Superintendent.	
	(ii) Revocation of license and direction for removal of goods.	Assistant Collector.	

(1)	(2)	(3)	(4)
73. 145	Power to extend warehousing period of goods other than tobacco.	Superintendent. Assistant Collector.	Under clause (a) of the rule. Under Clause (b) of the rule.
74. 153	Power to allow in bond movement and acceptance of bond.	Inspector	
75. 154	Power to allow in-bond movement of goods acceptance of bond and demand for fresh bond/security	Assistant Collector Superintendent	
76. 164	(i) Execution of individual bond. (ii) Execution of general bond and demand for fresh bond/security/surety	Superintendent Assistant Collector	
77. 165(2)	Demand for advance payment	Superintendent.	
78. 169	Appointment of Warehouse-keeper	Deputy Collector.	
79. 173(1A)	Permission to withdraw amount from account current.	Assistant Collector.	Subject to observance of the procedure prescribed by the collector.
80. 173G(2)(ii)	Power to permit assessee not to show rate and amount of duty on gate pass.	Deputy Collector.	
81. 173(L) & (M)	(i) Power to extend the period for return of goods (ii) Collector's other powers Except relaxation regarding storage.	Deputy Collector. Assistant Collector.	
82. 173(N)(5)	Conditions of bond.	Superintendent.	
83. 173(N)(6)	Power to extend time for re-warehousing Certificate.	Deputy Collector.	
84. 173(O)(1)	(i) Power to prescribe marks (ii) Presentation of packages to proper Officer within shorter period.	Assistant Collector Superintendent.	
85. 180	Alteration or substitution of licence	Superintendent.	
86. 185	(i) Power to permit marketing in any other manner. (ii) Collector's power to prescribe shorter period for presentation of packages.	Assistant Collector. Superintendent.	
87. 189 88. 189-A 89. 189-B	Power to sanction refund.	Assistant Collector.	
90. 191	(i) Approval of formula and withdrawal of concession (ii) Other powers of the Collector-except Power to fix establishment cost and refuse concession.	Deputy Collector. Assistant Collector.	
91. 191-A	Extension of time beyond three months [Sub-rule (7)] Forfeiture of security [Sub-rule(12)] Approval of Formula Other powers of the Collector except powers under sub-rule (7A) & (16) and refusal of concession.	Deputy Collector. Assistant Collector.	
92. 191-B	(i) Destruction of waste/refuse and remission of duty (ii) Approval of formula (iii) All other powers-except powers under sub-rule (4A), refusal of concession and establishment cost.	Deputy Collector. Assistant Collector.	
93. 192	(i) Power to grant permission (ii) Power to issue licence, and fixing bond amount and security	Officer mentioned in the remission notification. Superintendent.	

1	2	3	4
94. 193	Manner of packing.	Assistant Collector.	
95. 196	(i) Withdrawal of concession.	Deputy Collector.	
	(ii) Forfeiture of security and other penal Action.	Adjudicating Officer.	
96. 206(3)	(i) Provisional release of seized vehicles on bond and security.	Assistant Collector or the adjudicating officer lower in rank to the Assistant Collector.	
	(ii) Provisional release of seized goods on bond and security.	Adjudicating Officer.	
97. 210-A	Power to compound an offence and fix compounding fee.	(i) Deputy Collector.	Value-Without limit. Compounding fee not exceeding Rs. 1500/- in each case.
		(ii) Assistant Collector	Value Rs. 5,000 compounding fee—Rs. 750/-
98. 212	(i) Sale of confiscated goods.	(iii) Superintendent.	Value—Rs. 1,000/- Compounding fee Rs. 250/-
		Assistant Collector or the Adjudicating Officer if lower in rank to the Assistant Collector.	
	(ii) Destruction of confiscated goods.	Officer competent to write off/re-mission value/duty of the goods.	
99. 212A	Payment of storage charges.	Adjudicating Officer.	
100. 222	Power to require a new declaration.	Deputy Collector.	
101. 223A	Annual stocktaking	Assistant Collector.	
102. 224(1)	Permission to deliver goods beyond fixed hours and on holidays.	Superintendent.	
103. 227	Provision for scales, weights and weighing machines etc.	Assistant Collector.	
104. 229	(i) Power to require office accommodation	Assistant Collector.	
	(ii) Power to require residential accommodation.	Deputy Collector.	
105. 230	Detention of goods, plants, and machinery etc.	Assistant Collector.	

[Notfn. No. CER/R-5/(1)/1981/F.No.V.(30)26./Gen./81]  
K. S. DILIPSINHJI, Collector, Central Excise.

### वाणिज्य मंत्रालय

#### (वाणिज्य विभाग)

नई दिल्ली, 17 मार्च 1981

#### (तम्बाकू उद्योग विकास नियंत्रण)

क्र. भा. 1093.—केन्द्रीय सरकार ने श्री एम. वेंकटरत्नम को श्री कोटा पुर्णिया के, जिसने त्यागपत्र दे दिया है, स्थान पर अगले आदेश तक काफ़ी बोर्ड के अध्यक्ष के रूप में उसके भार-साधन के अतिरिक्त तम्बाकू बोर्ड का अध्यक्ष नियुक्त किया है ;

2. अतः, केन्द्रीय सरकार, तम्बाकू बोर्ड अधिनियम, 1975 (1975 का 4) की धारा 4 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के भूतपूर्व वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय (वाणिज्य विभाग) की अधिसूचना सं. का. भा. 100 (अ.), तारीख 19 फरवरी, 1979 का निम्न-लिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, क्रम संख्यांक 1 और उससे सम्बन्धित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएगी, अर्थात् :—

“1. श्री एम. वेंकटरत्नम—अध्यक्ष  
तम्बाकू बोर्ड,  
लक्ष्मीपुरम,  
गुन्तूर-522007 ।

[सं. 8/11/79-ई पी (कृषि 8)]  
ओ. पी. गुप्ता, डेस्क अधिकारी

### MINISTRY OF COMMERCE

#### (Department of Commerce)

New Delhi, the 17th March, 1981

#### (TOBACCO INDUSTRY DEVELOPMENT CONTROL)

S.O. 1093.—Whereas the Central Government has appointed Shri M. Venkataratnam to be the Chairman of Tobacco Board, in addition to his charge as Chairman, Coffee Board, vice Shri Kota Punnaiah, who has resigned, until further orders;

2. Now, therefore, in exercise of the powers conferred by sub-section (4) of section 4 of the Tobacco Board Act, 1975 (4 of 1975), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Commerce, Civil Supplies and Co-operation (Department of Commerce) No. S. O. 100(E), dated the 19th February, 1979, namely :—

In the said notification, for serial number 1 and the entry relating thereto, the following serial number and entry shall be substituted, namely,

1. Shri M. Venkataratnam,  
Tobacco Board,  
Lakshmipuram,  
Guntur-522007.

Chairman

[No. 8/11/79-EP(Agri. vi)]  
O. P. GUPTA, Desk Officer

## नागरिक पूति संकालय

भारतीय मानक संस्था

नई दिल्ली, 1981-03-13

का० खा० 1094 :—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी० एम०/एल-4012 और 5345 जिनके व्यौर नीचे अनुसूची में दिए गए हैं, फर्म के अनुरोध पर पत्र परबर्ती, उन्नीस सौ इक्यासी से रद्द कर दिए गए हैं।

## अनुसूची

क्रम संख्या	लाइसेंस संख्या और तिथि	लाइसेंसधारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	सम्बन्धी भारतीय मानक
(1)	(2)	(3)	(4)	(5)
1.	सी०एम०/एल—4012 1974-10-31	मैसर्स पी० वी० एस० इंडस्ट्रीज, एस० संख्या 457-ए०, अमरावती गांव, होजपेट तालुक (कर्नाटक)। इसका कार्यालय : पी० बाक्स संख्या 33 होजपेट (कर्नाटक) में है।	मालाथियोन पायसनीय सांद्र।	IS: 2567—1978—मालाथियोन पायसनीय सांद्र की विशिष्ट (दूसरा पुनरीक्षण)
2.	सी०एम०/एल—5345 1976-07-09	„	डी० डी० टी० जल परीक्षणी चूर्ण।	IS : 565—1975 डी० डी० टी० जल परीक्षणी चूर्ण की विशिष्टि (दूसरा पुनरीक्षण)।

[सं० सी०एम० डी०/55 : 4012 और 5345]

ए० पी० बनर्जी, अपर महानिदेशक

## MINISTRY OF CIVIL SUPPLIES

## INDIAN STANDARDS INSTITUTION

New Delhi, the 1981—03—13

S.O. 1094.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations 1955 as amended from time to time, the Indian Standard Institution hereby notifies that Licence Nos. CM/L-4012 & 5345, particulars of which are given in the schedule below has been cancelled with effect from Fifteenth February, One Thousand Nine Hundred and Eighty-one at the request of the firm.

## SCHEDULE

Sl. Licence No. and No. Date	Name & address of the Licensee	Article/Process covered by the licence cancelled	Relevant Indian Standards
1	2	3	4
1. CM/L-4012 1974-01-31	M/s. PVS Industries, S.No. 457A of Amara- vathy Village, Hospet Tq (Karnataka) hav- ing their office at P.B. No. 33, Hospet (Karnataka).	Malathion Emulsifiable concen- trates.	IS: 2567—1978 Specification for malathion Emulsifiable Concentrates. (Second revision)
2. CM/L-5345 1976-07-09	-do-	DDT water Dispersible powder.	IS : 565-1975 Specification for DDT Water Dispersible Pow- der Concentrates. (Second revision)

[No. CMD/55:4012 &amp; 5345]

A. P. BANERJI, Addl. Dir. General



**उद्योग मंत्रालय****(औद्योगिक विकास विभाग)**

नई दिल्ली, 18 मार्च, 1981

क्र. आ. 1095.—आव. वस्तु/नमक (3) केन्द्रीय सरकार, आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नमक (रिजर्व स्टॉक) आदेश, 1955 का और संशोधन करने के लिए निम्नलिखित आदेश करती है, अर्थात् :—

(1) इस आदेश का संक्षिप्त नाम नमक (रिजर्व स्टॉक) संशोधन आदेश, 1981 है ।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा ।

2. नमक (रिजर्व स्टॉक) आदेश, 1955 के पैरा 4क का लोप किया जाएगा ।

[फा. सं. 02015/4/79 नमक]

पूरन चन्द, अवर सचिव

**MINISTRY OF INDUSTRY**  
(Department of Industrial Development)

New Delhi, the 18th March, 1981

S.O. 1095.—Ess. Comm./Salt (3).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Salt (Reserve Stock) Order, 1955, namely :—

(i) This order may be called the Salt (Reserve Stock) Amendment Order, 1981.

(ii) It shall come into force on the date of its publication in the Official Gazette.

2. In the Salt (Reserve Stock) Order 1955, paragraph 4A shall be omitted.

[No. 02015/4/79-Salt]

PURAN CHAND, Under Secy

**(भारी उद्योग विभाग)**

नई दिल्ली, 19 मार्च, 1981

क्र. आ. 1096.—केन्द्रीय सरकार, बर्ड एण्ड कम्पनी लिमिटेड (उपक्रमों और अन्य सम्पत्ति अर्जन और अन्तरण) अधिनियम, 1980 (1980 का 67) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1 संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम बर्ड एण्ड कम्पनी लिमिटेड (उपक्रम और अन्य सम्पत्ति अर्जन और अन्तरण) नियम, 1981 है ।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. परिभाषाएं—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) “अधिनियम” से बर्ड एण्ड कम्पनी लिमिटेड (उपक्रम और अन्य सम्पत्ति का अर्जन और अन्तरण) अधिनियम, 1980 (1980 का 67) अभिप्रेत है ।

(ख) “धारा” से अधिनियम की धारा अभिप्रेत है ।

3. सूचना के लिए समूह-सीमा—

किसी ऐसी सम्पत्ति का जो केन्द्रीय सरकार या किसी सरकारी कम्पनी में अधिनियम के अधीन निहित हो गई है, प्रत्येक 1471 GI 80—3.

बन्धकवार, और किसी ऐसी सम्पत्ति में या उसके संबंध में कोई भार, धारणाधिकार या अन्य हित धारण करने वाला प्रत्येक व्यक्ति, ऐसी तारीख से जो केन्द्रीय सरकार अधिनियम की धारा 16 के अधीन विनिर्दिष्ट करे, तीस दिन की अवधि के भीतर, ऐसे बन्धक, भार, धारणाधिकार या अन्य हित की सूचना आयुक्त को देगा :

परन्तु यदि आयुक्त का यह समाधान हो जाता है कि बंधकदार या कोई भार, धारणाधिकार या अन्य हित धारण करने वाला व्यक्ति, पर्याप्त कारणों से उक्त तीस दिन की अवधि के भीतर सूचना ले सकेगा उसके पश्चात् नहीं ।

4. सूचना की रीति : नियम 3 के अधीन आयुक्त को दी जाने वाली प्रत्येक सूचना, लेखबद्ध रूप में आयुक्त के नाम से, भेजी जाएगी और उसमें निम्नलिखित विनिर्दिष्टियां होंगी, अर्थात् :—

(क) बंधकवार/किसी भार, धारणाधिकार या अन्य हित धारण करने वाले व्यक्ति का नाम, वर्णन और पूरा पता ;

(ख) उस कम्पनी का नाम, जिसके विरुद्ध दावा किया गया है ;

(ग) ऐसे दावे की रकम (भारतीय करेंसी में) ;

(घ) ऐसी लिखित की, यदि कोई है, विनिर्दिष्टियां, जिससे ऐसा बन्धक भार, धारणाधिकार या अन्य हित प्रतिभूत किया गया है, जिसका समर्थन लिखित को प्रमाणित प्रति से किया जाएगा ;

(ङ) रकम, यदि कोई, जो पहले ही प्राप्त की गई है, और उसकी विनिर्दिष्टियां ;

(च) ऐसे दावे से सुसंगत कोई विनिर्दिष्टियां ;

(छ) अनुतोष, जिसका दावा किया गया है ।

2. प्रत्येक सूचना, बन्धकवार या ऐसा भार, धारणाधिकार या अन्य हित धारण करने वाले व्यक्ति या ऐसे व्यक्ति द्वारा सम्यक रूप से प्राधिकृत किसी अभिकर्ता द्वारा सम्यक रूप से हस्ताक्षर की जाएगी और सत्यापित की जाएगी ।

3. सूचना, आयुक्त के कार्यालय में, सभी कार्य दिवसों में कार्यालय के समय के दौरान फाइल की जाएगी या आयुक्त को नसीदी रजिस्ट्री डाक द्वारा भेजी जाएगी ।

[फा. सं. 11(7)/81-एफ सी डी]

नरेश चन्द्र, संयुक्त सचिव

**(Department of Heavy Industry)**

New Delhi, the 19th March, 1981

S.O. 1096.—In exercise of the powers conferred by section 29 of the Bird and Company Limited (Acquisition and Transfer of Undertakings and Other Properties) Act, 1980 (67 of 1980), the Central Government hereby makes the following rules, namely :

1. Short title and commencement.—(i) These rules may be called the Bird and Company Limited (Acquisition and Transfer of Undertakings and Other Properties) Rules, 1981.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2 Definitions—In these rules unless the context otherwise requires,—

(a) "Act" means the Bird and Company Limited (Acquisition and Transfer of Undertakings and other Properties) Act, 1980 (67 of 1980)

(b) "section" means a section of the Act

3 Time limit for intimation—Every mortgagee of any property which has vested under the Act in the Central Government or a Government Company, and every person holding any charge, lien or other interest in or in relation to any such property, shall give intimation of such mortgage charge lien or other interest to the Commissioner within a period of thirty days from such date as may be specified by the Central Government under section 16,

Provided that if the Commissioner is satisfied that the mortgagee or the person holding any charge lien or other interest was prevented by sufficient cause from giving the intimation within the said period of thirty days, he may receive the intimation within a further period of thirty days and not thereafter

4 Manner of Intimation—(1) Every intimation to be given to the Commissioner under rule 3 shall be in writing addressed to the Commissioner and shall contain the following particulars, namely—

(a) Name, description and full address of the mortgagee/chargee/lien or other interest holder,

(b) name of the undertaking in respect of which the claim is made

(c) amount of claim (in Indian currency)

(d) particulars of the instrument if any, by which the mortgage, charge, lien or other interest is secured supported by an attested copy of the instrument

(e) amount if any already received, with particulars,

(f) any other particulars relevant to the claim and

(g) relief claimed

(2) Every intimation shall be duly signed and verified by the mortgagee, or the person holding the charge lien or other interest or a person duly authorised by him

(3) Intimations may be filed in the Office of the Commissioner at Calcutta on all working days during office hours or may be sent to the Commissioner by registered post with acknowledgement due

[No F 11(7)/81-FCD]

NARFISH CHANDRA H Secy

## स्वास्थ्य और परिवार कल्याण मंत्रालय

### (स्वास्थ्य विभाग)

नई दिल्ली, 17 मार्च, 1981

क्र. आ. 1097.—यत् भारत सरकार के स्वास्थ्य मंत्रालय की 26 जलाई, 1962 की अधिसूचना संख्या 16-1/62-एम-1 द्वारा केन्द्रीय सरकार ने निर्देश दिया है कि भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजनों के लिए "एम डी सी एम यनिवर्सिटी आफ मेडिकल साइन्स, कलकत्ता की चिकित्सा अर्हता मान्य चिकित्सा अर्हता होगी,

और यत् डा केनेथ अलेक्जेंडर स्टार्क जिनके पास उक्त अर्हता है, धर्माधिकार के प्रयोजनों के लिए रिनाल्ड्स मेमोरियल अस्पताल, वाशिम, जिला अकोला, महाराष्ट्र में साथ सम्बद्ध है,

और अतः अब, उक्त अधिनियम की धारा 14 की उप-धारा (1) के परन्तुक के भाग (ग) का पालन करते हुए केन्द्रीय सरकार एतद्वारा—

1 31 दिसम्बर, 1981 तक की अवधि अथवा

2 उस अवधि को जब तक डा केनेथ ए स्टार्क उक्त रेनाल्ड्स मेमोरियल अस्पताल, वाशिम जिला अकोला, महाराष्ट्र के साथ सम्बद्ध रहते हैं, जो भी कम हो वह अवधि विनिर्दिष्ट करती है, जिसमें पूर्वोक्त डाक्टर मेडिकल प्रैक्टिस कर सकेंगे।

[स की 11016/13/80-एम ई (पी)]

## MINISTRY OF HEALTH & FAMILY WELFARE

### WELFARE

(Department of Health)

### ORDER

New Delhi, the 17th March 1981

SO 1097—Whereas by the notification of the Government of India in the Ministry of Health No 16-1/62 MI dated the 26th July 1962 the Central Government has directed that the medical qualification, MDCM, University of McGill, Montreal Canada shall be recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956),

And whereas Dr Kenneth Alexander Stark, who possesses the said qualification is for the time-being attached to the Renolds Memorial Hospital Washim Akola District Maharashtra for the purpose of charitable work

Now, therefore, in pursuance of clause (c) of the proviso to subsection (1) of section 14 of the said Act, the Central Government hereby specifies—

(i) a period upto 31st December, 1981 or

(ii) the period during which Dr Kenneth A Stark is attached to the said Renolds Memorial Hospital, Washim, District Akola, Maharashtra,

whichever is shorter as the period to which the medical practice by the aforesaid doctor shall be limited

[No V 11016/13/80-M F (Policy)]

नई दिल्ली, 18 मार्च, 1981

क्र. आ. 1098.—यत् भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की उपधारा (4) के साथ पठित धारा 3 की उप-धारा (1) के खंड (ख) के उपबन्धों के अनुसारण में गुरु नानक देव विश्वविद्यालय की सीनेट ने डा केनेथ ए. स्टार्क, प्रिन्सिपल मेडिकल कालेज, उमृतसर को 30 मार्च, 1980 से भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया है।

अतः अब उक्त अधिनियम की धारा 3 की उप-धारा (1) का पालन करते हुए केन्द्रीय सरकार एतद्वारा भूतपूर्व स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या 5-13/59-एम-1 में निम्नलिखित संशोधन करती है, अर्थात्—

उक्त अधिसूचना में धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित शीर्षक के अन्तर्गत क्रम संख्या 45 और उसने

सम्बन्धित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियाँ प्रतिस्थापित की जाएंगी, अर्थात् :—

“45. डा. के. एस. सचदेव,  
प्रिंसिपल, मेडिकल कॉलेज,  
अमृतसर।”

[सं. वी. 11013/1/81-एम. ई. (पी.)]

New Delhi, the 18th March, 1981

S.O. 1098.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 read with sub-section (4) of the Indian Medical Council Act, 1956 (102 of 1956) Dr. K. S. Sachdeva, Principal, Medical College, Amritsar, has been elected by the Senate of Guru Nanak Dev University to be a member of the Medical Council of India with effect from the 30th March, 1980.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following amendment in the notification of the late Ministry of Health No. 5-13/59-MI, dated 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 45 and entries relating thereto the following serial number and entries shall be submitted, namely :—

“45. Dr. K. S. Sachdeva,  
Principal Medical College,  
AMRITSAR.”

[No. V, 11013/1/81-M.E. (Policy)]

का. आ. 1099.—यतः भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (क) के उपबन्धों के अनुसरण में केन्द्रीय सरकार ने डा. आई. डी. बजाज को डा. वी. शंकरन के स्थान पर 18 फरवरी, 1981 से भारतीय आयुर्विज्ञान परिषद् का सदस्य मनोनीत किया है,

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्धों के अनुसरण में केन्द्रीय सरकार एतद्वारा भूतपूर्व स्वास्थ्य मंत्रालय की 9 जनवरी, 1980 की अधिसूचना संख्या 5-13/59-एम-1 में निम्नलिखित और संशोधन करती है, अर्थात् :

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (क) के अधीन मनोनीत शीर्षक के अन्तर्गत क्रम संख्या 6 और उससे सम्बन्धित प्रविष्टि के स्थान पर निम्नलिखित को प्रतिस्थापित किया जाएगा, अर्थात् :—

“6. डा. आई. डी. बजाज,  
स्वास्थ्य सेवा महानिदेशक  
नई दिल्ली (पदेन)”

[संख्या वी. 11013/29/79-एम. ई. (पी.)]

S.O. 1099.—Whereas the Central Government have in pursuance of the provisions of clause (e) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), nominated Dr. I. D. Bajaj vice Dr. B. Sankaran, as member of the Medical Council of India with effect from the 18th February, 1981;

Now therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late

Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960 namely :—

In the said notification, under the heading “nominated under clause (e) of sub-section (1) of section 3”, for serial No. 6 and the entry relating thereto, the following shall be substituted, namely :—

“6. Dr. I. D. Bajaj,  
Director General of Health Services,  
New Delhi (Ex-officio).”

[No. V, 11013/29/79-M.E. (Policy)]

नई दिल्ली, 19 मार्च, 1981

का. आ. 1100.—यतः भारतीय आयुर्विज्ञान परिषद्, अधिनियम, 1956 (1956 का 102) की उप-धारा (4) के साथ पठित धारा 3 की उप-धारा (1) के खण्ड (ख) के उपबन्धों के अनुसरण में एल. एन. मिथिला विश्वविद्यालय, दरभंगा ने डा. एन. एन. सिंह को 30 नवम्बर, 1980 से भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया है।

अतः अब, उक्त अधिनियम की धारा 3 की उप-धारा (1) का पालन करते हुए केन्द्रीय सरकार एतद्वारा भूतपूर्व स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या 5-13/59-एम-1 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उप-धारा (1) के खण्ड (ख) के अधीन निर्वाचित” शीर्षक के अन्तर्गत क्रम संख्या 56 और उससे सम्बन्धित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियाँ प्रतिस्थापित की जाएंगी, अर्थात् :—

“56. डा. एम. एन. सिंह,  
प्रिंसिपल, दरभंगा मेडिकल कॉलेज,  
लहरियासराय”

[संख्या वी. 11013/3/80-एम. ई. (पी.)]

एन. ए. सुब्रामण्य, उप सचिव

New Delhi, the 19th March, 1981

S.O. 1100.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 read with sub-section (4) of section 7 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. S. N. Singh, has been elected by the L. N. Mithila University Darbhanga to be a member of the Medical Council of India with effect from the 30th November, 1980.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following amendment in the notification of the late Ministry of Health No. 5-13/59-MI dated the 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3”, for serial number 56 entries relating thereto the following serial number and entries shall be substituted, namely :—

“56. Dr. S. N. Singh,  
Principal, Darbhanga Medical College,  
Laheriasarai.”

[No. V, 11013/3/80-M.E. (Policy)]

N. A. SUBRAMONY, Dy. Secy.

ग्रामीण पुनर्निर्माण मंत्रालय

नई दिल्ली, 17 मार्च, 1981

का. आ. 1101.—वी श्रेणीकरण और चिन्हांकन (संशोधन) नियम, 1980 का एक प्रारूप, कृषि उपज (श्रेणीकरण और चिन्हांकन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा यथा

अपेक्षित भारत सरकार के ग्रामीण पुनर्निर्माण मंत्रालय की अधिसूचना संख्या का. आ. 1738 तारीख 12 जून, 1980 के अधीन भारत के राजपत्र, भाग 2, खण्ड 3, उप-खण्ड (2) तारीख 28 जून, 1980 के पृष्ठ 2223 पर प्रकाशित किया गया था, जिसमें उक्त अधिसूचना के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिन की अवधि की समाप्ति से पूर्व उन सभी व्यक्तियों से आक्षेप और सुझाव मांगे गए थे, जिनके उससे प्रभावित होने की सम्भावना थी ;

और उक्त राजपत्र की प्रतियां 5 जुलाई, 1980 को जनता को उपलब्ध करा दी गई थीं ;

और केन्द्रीय सरकार को जनता से उक्त प्रारूप की बाबत कोई आक्षेप और सुझाव प्राप्त नहीं हुए हैं ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारूप :—(1) इन नियमों का संक्षिप्त नाम घी श्रेणीकरण और चिन्हांकन (संशोधन) नियम, 1981 है ।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगी :

2. घी श्रेणीकरण और चिन्हांकन नियम, 1938 में, नियम 5, के उप-नियम (1) और उसके परन्तुक के स्थान पर निम्नलिखित उप-नियम रखे जाएंगे, अर्थात् :—

“(1) घी के प्रत्येक मुहर बन्द पात्र पर श्रेणीकरण अभिधान चिन्ह सुरक्षित रूप से छिपकाया जाएगा :

परन्तु यदि भारत सरकार के कृषि विपणन सलाहकार का समाधान हो जाता है कि किसी व्यक्ति द्वारा किसी परिष्करणों में स्वचालित भरण और पैकिंग मशीन की सहायता से पैक किए गए घी की क्वालिटी नियम, 3 के उपबन्धों के अनुसार हैं और इस उप-नियम के अधीन श्रेणी अभिधान चिन्ह छिपकाने की अपेक्षा से ऐसे व्यक्ति को अनावश्यक कठिनाई हो सकती है तो उक्त कृषि विपणन सलाहकार लिखित आवेदों द्वारा ऐसे व्यक्ति को यह अनुज्ञा दे सकता है कि वह उसके द्वारा पैक किए गए घी के पात्रों पर एगमार्क लेबल के स्थान पर स्पष्ट रूप से प्रतिकृति के रूप में साधारण श्रेणीकरण और चिन्हांकन नियम 1937 के अधीन उसे जारी किए गए प्राधिकार की संस्था, “एगमार्क” शब्द और घी की श्रेणी सूचित करा दें ।

परन्तु यह और कि प्रतिकृति का उपयोग करने की प्रक्रिया ऐसी रीति में होंगे, जिसे उक्त कृषि विपणन सलाहकार निदिष्ट करे :—

(1-क) उन मामलों में, जिनमें पात्र पूर्वोक्त रूप में सूचित किए गए हैं, यह समझा जाएगा कि उस व्यक्ति ने उप-नियम (1) के उपबन्धों का पालन किया है ।

(1-ख) प्रत्येक पात्र पर श्रेणी अभिधान चिन्ह भारत सरकार के कृषि विपणन सलाहकार द्वारा अनुमोदित रीति से सुरक्षित रूप से छिपकाया जाएगा ।

(1-ग) श्रेणी अभिधान चिन्ह के अतिरिक्त प्रत्येक पात्र पर निम्नलिखित विनिर्दिष्ट स्पष्टतः और ऐसी रीति से अंकित की जाएगी जो समय-समय पर भारत

सरकार के कृषि विपणन सलाहकार द्वारा विनिर्दिष्ट की जाएं, अर्थात् :—

- (1) पैककर्ता का नाम
- (2) पैकिंग स्थल
- (3) मेल्ट सं.
- (4) पैकिंग की तारीख
- (5) शुद्ध भार
- (6) विक्रय कीमत
- (1-घ) पैक करते समय किसी पात्र में भरे हुए घी का शुद्ध भार निम्नलिखित मानक पैकजों में होगा, अर्थात् :—
- (1) 200 ग्राम और 500 ग्राम कांच की बोतलों में या टिनों में ;
- (2) 1 कि., 2 कि., 5 कि. और तत्पश्चात् 5 कि. के गुणकों में, टिनों में ।”

[सं. फा. 10-11/79-ए. एम.]

गन्धर्व सिंह, अवसर सचिव

## MINISTRY OF RURAL RECONSTRUCTION

New Delhi, the 17th March, 1981

S.O. 1101.—Whereas a draft of the Ghee Grading and Marking (Amendment) Rules, 1980 was published, as required by Section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), at page 2223 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 28th June, 1980, under the notification of the Government of India in the Ministry of Rural Reconstruction, No. S. O. 1738, dated the 12th June, 1980, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of forty-five days from the date of publication of the said notification in the Official Gazette;

And whereas the copies of the said Gazette were made available to the public on the 5th July, 1980;

And whereas no objections or suggestions have been received from the public in respect of the said draft by the Central Government;

Now, therefore, in exercise of the powers conferred by Section 3 of the said Act, the Central Government hereby makes the following rules, namely :—

1. (1) These rules may be called the Ghee Grading and marking (Amendment) Rules, 1981.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Ghee Grading and Marking Rules, 1938, for sub-rule (1) of rule 5, and the proviso thereto, the following sub-rules shall be substituted, namely :—

“(1) The grade designation mark shall be securely affixed to each sealed container of ghee ;

Provided that if the Agricultural Marketing Adviser to the Government of India is satisfied that the quality of ghee packed by any person in any refinery with the aid of automatic filling and packing machines conforms to the provisions of rule 3 and that the requirement of affixture of the grade designation mark under this sub-rule may cause undue hardship to such person, the said Agricultural Marketing Adviser may, by order, in writing permit such person to print the number of the Certificate of Authorisation issued to him under the General Grading and Marking Rules, 1937 the word “AGMARK” and the grade of the ghee on the containers of ghee packed by him prominently in the form of replica in lieu of Agmark labels.

Provided further that the procedure to use replica shall be in the manner as may be directed by the said Agricultural Marketing Adviser.

- (1A) In cases where the containers had been printed as aforesaid, such person shall be deemed to have complied with the provisions of this sub-rule (1).
- (1 B) The grade designation mark shall be securely affixed to each container in a manner approved by the Agricultural Marketing Adviser to the Government of India.
- (1 C) In addition to the grade designation mark, each container shall be clearly marked with the following particulars, and in such manner as may from time to time be specified by the Agricultural Marketing Adviser to the Government of India, namely :—
- (i) Name of packer.
  - (ii) Place of packing.
  - (iii) Melt No.
  - (iv) Date of packing.
  - (v) Net weight.
  - (vi) Sale price.
- (1 D) Net weight of ghee contained in a container at the time of packing shall be in the following standard packages, namely :—
- (i) 200 grams and 500 grams, in case of glass bottles or tins;
  - (ii) 1 kg., 2 kg., 5 kg., and thereafter in multiples of 5 kg. in tins."

[No. F. 10-11/79-AM]

GANDHARV SINGH, Under Secy.

**नौवहन और परिवहन मंत्रालय****(नौवहन पक्ष)****आदेश**

नई दिल्ली, 18 मार्च, 1981

**(व्यापार नौवहन)**

**क्र. आ. 1102.**—व्यापार नौवहन अधिनियम 1958 (1958 का 44) की धारा 7 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निवेश देती है कि उक्त अधिनियम की धारा 150 की उप-धारा (1) के अधीन केन्द्रीय सरकार द्वारा प्रयोज्य शक्तियों का जहाँ तक विवादों का निर्णय करने के लिए उन्हें ट्रिब्यूनल को भेजने का सम्बन्ध है, नौवहन महानियेशक भी प्रयोग कर सकेंगे।

[सं. एस. डब्ल्यू/एम डब्ल्यू एस-66/80-एम टी]

राष्ट्रपति के नाम से और आदेश से

**MINISTRY OF SHIPPING AND TRANSPORT****(Shipping Wing)****ORDER**

New Delhi, the 18th March, 1981

**MERCHANT SHIPPING**

**S.O. 1102.**—In exercise of the powers conferred by sub-section (2) of section 7 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby directs that the powers exercisable by it under sub-section (1) of section 150 of the said Act as far as it relates to referring of disputes to the tribunal for adjudication, shall be exercisable also by the Director General of Shipping.

[No. SW/MWS-66/80-MT]

By order and in the name of the president.

नई दिल्ली, 20 मार्च 1981

**क्र. आ. 1103.**—नाविक भविष्य निधि योजना, 1966 के पैरा 44 के साथ पठित नौविक भविष्य निधि अधिनियम, 1966 (1966 का 4) की धारा 1 की उपधारा (3) के अनुमरण में और भारत सरकार (नौवहन और परिवहन मंत्रालय) की अधिसूचना संख्या एम० डब्ल्यू एस (1)/79 एम० टी० विनाक 20-1-1979 को अधिक्रान्त करते हुए, केन्द्रीय सरकार निवेश देती है कि भविष्य निधि अंशदान, ब्याज और अन्य प्रकार की आय से अनिवार्य वेनवारियों की कटौती करने के बाद जो संचयन हो, उसे निम्नलिखित व्यवस्था के अनुसार विनियमित किया जाएगा, अर्थात् —

- (i) लोक ऋण अधिनियम, 1944 कम से कम 15 प्रतिशत (1944 का 18) की धारा 2 के खंड (2) में यथा परिभाषित तथा खजाना बिलों को छोड़ केन्द्रीय सरकार द्वारा मजित और जारी की गई सरकारी प्रतिभूतियाँ,

- (ii) लोक ऋण अधिनियम, 1944 (1944 का 18) की धारा 2 के खंड (2) में यथा-परिभाषित तथा किसी भी राज्य सरकार द्वारा सजित और जारी की गई सरकारी प्रतिभूतियाँ,

कम से कम 15 प्रतिशत

- (iii) कोई अन्य पराधाम्य लिखित या बंध-पत्र जिसका मूलधन और जिसपर ब्याज केन्द्रीय सरकार या किसी राज्य सरकार द्वारा पूर्णतः और बिना शर्त प्रत्याभूत है।

- (iv) सात वर्षीय राष्ट्रीय बचत पत्र 40 प्रतिशत से अधिक न हो (द्वितीय और तृतीय निर्गम) या डाकघर सावधिक जमा।

- (v) भारत सरकार के वित्त मंत्रालय (आर्थिक कार्य विभाग) की अधिसूचना संख्या एफ० 16 (1)/पी० डी०/75 तारीख 30-6-1975 द्वारा प्रारम्भ की गई विशेष जमा योजना।

2. उपर्युक्त व्यवस्था 1 जनवरी, 1981 से और आदेश होने तक प्रवृत्त रहेगी। इस अवधि के दौरान परिपक्व होने वाले डाकघर सावधिक निक्षेप का पुनर्निधान 50 प्रतिशत डाकघर सावधिक निक्षेप से और 50 प्रतिशत विशेष निक्षेप से किया जाएगा। इसके अधीन रहते हुए भविष्य निधि संचयन की सभी अन्य परिपक्व निधियों का पुनर्निधान उपर पैरा 1 में उल्लिखित व्यवस्था के अनुसार किया जाता रहेगा।

[म० एस० डब्ल्यू०/एम डब्ल्यू० एस० (1)/79-एम टी०]

कृष्ण लाल, भवन सचिव

New Delhi, the 20th March, 1981

**S.O. 1103.**—In pursuance of sub-section (3) of Section 4 of the Seamen's Provident Fund Act, 1966 (4 of 1966), read with paragraph 44 of the Seamen's Provident Fund Scheme, 1966 and in supersession of the Notification No. MWS(1)/79-MT, dated the 20th Jan., 1979 of the Government of India (Ministry of Shipping and Transport), the Central Government

hereby directs that accumulations out of provident fund contributions, interest and other receipts as reduced by obligatory outgoings, shall be invested in accordance with the following pattern, namely:—

- |   |                      |
|---|----------------------|
| (i) Government Securities as defined in clause (2) of section 2 of the Public Debt Act, 1944 (18 of 1944) created and issued by the Central Government, except treasury bills.                | —Not less than 15%   |
| (ii) Government securities as defined in clause (2) of section 2 of the Public Debt Act, 1944 (18 of 1944) created and issued by any State Government.  | } —Not less than 15% |
| (iii) Any other negotiable securities or bonds the principal whereof and interest whereon in fully and unconditionally guaranteed by the Central Government or any State Govt.                |                      |
| (iv) 7-Year National Savings Certificates (Second Issue and Third Issue) or Post Office Time Deposits.  | —Not exceeding 40%   |
| (v) Special Deposit Scheme introduced by the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. F.16(1)/PD/75 dated the 30th June, 1975. | —Not exceeding 30%   |

2. The above pattern will be in force from the 1st January 1981 until further orders. Reinvestment of Post Office Time Deposits maturing during this period shall be made 50% in Post Office Time Deposits and 50% in Special Deposits. Subject to this, reinvestment of all other maturities of Provident Fund accumulations shall continue to be made in accordance with the pattern mentioned in paragraph 1 above.

[No. SW/MWS(1)/79-MT]

K. LALL, Under Secy.

### निर्माण और आवास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 19 मार्च, 1981

क्र. मा. 1104.—दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 3 की उप-धारा (3) के खण्ड (छ) के साथ पठित उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्माण और आवास मंत्रालय के दिनांक 17 अगस्त, 1978 की अधिसूचना संख्या के-11011/22/77-डी जी-1 (ए) के अधिसूचना में, केन्द्रीय सरकार एतद्वारा निर्माण और आवास मंत्रालय के संयुक्त सचिव श्री एम. श्रीनिवासन को श्री वी. एस. कटारा के स्थान पर दिल्ली विकास प्राधिकरण के सदस्य के रूप में नियुक्त करती है और भारत सरकार, स्वास्थ्य मंत्रालय के दिनांक 30 दिसम्बर, 1957 की अधिसूचना संख्या 12-173/57-एल. एस. (जी.) में निम्नलिखित और संशोधन करती है, नामतः:—

उक्त अधिसूचना की मद संख्या 9 में “श्री वी. एस. कटारा” के हन्दराज के लिए निम्नलिखित हन्दराज प्रतिस्थापित किया जाएगा:—

“श्री एम. श्रीनिवासन” ।

[सं. के. आई. 11011/22/78-डीजीआईए/2-बी]

हरीराम गोयल, अवर सचिव

### MINISTRY OF WORKS AND HOUSING

(Delhi Division)

New Delhi, the 19th March, 1981

S.O. 1104.—In exercise of the powers conferred by sub-section (1), read with clause (g) of the sub-section (3) of section 3 of the Delhi Development Act, 1957 (61 of 1957), and in supersession of the Ministry of Works and Housing Notification No. K-11011/22/78-DDI (A) dated the 17th August 1978, the Central Government hereby appoints Shri M. Srinivasan, Joint Secretary, Ministry of Works and Housing as a Member of the Delhi Development Authority in place of Shri V. S. Katara, and makes the following further amendment in the Notification of the Government of India in the Ministry of Health No. 12-173/57-LSG dated the 30th December, 1957, namely:—

In the said Notification, in item 9, for the entry “Shri V. S. Katara” the following entry shall be substituted, namely:—

“Shri M. Srinivasan”

[No. K. 11011/22/78/DDIA/II-B]

H. R. GOEL, Dy. Secy.

### दिल्ली विकास प्राधिकरण

#### सार्वजनिक सूचनाएं

नई दिल्ली, 4 अप्रैल, 1981

क्र. मा. 1105.—केन्द्रीय सरकार दिल्ली मुख्य योजना में आवासीय भूखंडों के सम्बन्ध में लागू क्षेत्रीय विनियमों में निम्नलिखित संशोधन करने का विचार कर रही है एतद्वारा जिसे सार्वजनिक सूचना हेतु प्रकाशित किया जाता है। इस प्रस्तावित संशोधन के सम्बन्ध में जिस किसी व्यक्ति को कोई आपत्ति या सभाव वेना हो तो वे अपने आपत्ति या सभाव इस सूचना के 30 दिन के भीतर सचिव, दि. वि. प्रा., इन्द्रप्रस्थ इस्टेट नई दिल्ली के पास लिखित रूप में भेज दें। जो व्यक्ति अपनी आपत्ति या सभाव दें, वे अपना नाम एवं पूरा पता लिखें।

#### संशोधन

संशोधन संख्या-जे-13037/122/75-पूडी/दिनांक 27 जनवरी, 1976 के अन्त में निम्नलिखित रेखांकित शब्द जोड़े जाने प्रस्तावित हैं:—

“दो आवासीय ईकाईयों, प्रत्येक तल पर एक-एक के लिये और एक आवासीय ईकाई बरसाती तल के बिना दो मंजिला भवन, के लिये लगभग 33 वर्ग मीटर, (40 वर्ग गज), जिसे विशेष योजनाओं के मामले में आगे 21 वर्ग मीटर (25 वर्ग गज) तक घटाया जा सकता है।

2. शनिवार को छोड़कर और सभी कार्यशील दिनों में दि. वि. प्रा. के कार्यालय, विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली में उक्त अवधि के दौरान प्रस्तावित संशोधन निरीक्षण हेतु उपलब्ध होगा।

[संख्या एफ. 3(35)/77-एम. पी.]

### DELHI DEVELOPMENT AUTHORITY

#### PUBLIC NOTICES

New Delhi, the 4th April, 1981

S.O. 1105.—The following modification which the Central Government proposes to make to the zoning regulations applicable to the residential plots in Master Plan for Delhi is hereby published for public information. Any person having any objection or suggestion with respect to the proposed modification may send the objection or suggestion in

writing to the Secretary, Delhi Development Authority, Vikas Minar, Indraprastha Estate, New Delhi, within a period of thirty days from the date of this notice. The person making the objection or suggestion should also give his name and full address :

#### MODIFICATION

The following underlined words are proposed to be added at the end of the modification No. J-13037/122/75-UDI dated 27th January, 1976 : "for two dwelling units, one on each floor, and about 33 sq. metres (40 sq. yds.) for single dwelling unit—two story building without a barsati floor, which can be further reduced to 21 sq. metres (25 sq. yds.) in case of Special Schemes."

2. The proposed modification will be available for inspection in the office of the Authority, Vikas Minar, Indraprastha Estate, New Delhi on all working days except Saturdays within the period referred to above.

(No. F. 3(35)77-MP)

**का. आ. 1106.**—केन्द्रीय सरकार मुख्य योजना के व्यवसायिक एवं खुदरा व्यापार के क्षेत्रों पर लागू होने वाले क्षेत्रीय विनियमों में निम्नलिखित संशोधन करने पर विचार कर रही है जिन्हें सार्वजनिक सूचना हेतु एतद्वारा प्रकाशित किया जाता है । जिस व्यक्ति को इस प्रस्तावित संशोधन के विषय पर कोई आपत्ति या सभाव हो तो वे कृपया उसे इस सूचना के जारी होने की तिथि से 30 दिन में सचिव, दिल्ली विकास प्राधिकरण, विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली को लिखित रूप में भेज दें । आपत्ति/सभाव लिखने वाले व्यक्ति अपना नाम एवं पता भी लिखें ।

संशोधन :

"मास्टर प्लान पुस्तक के पृष्ठ 61 पर शीर्ष 4(सी) के अन्तर्गत "शाहदरा और करोल बाग में जिला केन्द्र एवं प्रस्तावित केन्द्रीय व्यापार जिले" में "25 एकड़ से अधिक जिला केन्द्र" के नीचे निम्नलिखित जोड़ा जाएगा :—

उप-जिला केन्द्र :

अधिकतम एफ. ए. आर.	— 125
अधिकतम भू-पट्टाव	—25%

2. प्रस्तावित संशोधन दिल्ली विकास प्राधिकरण कार्यालय, विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली में शनिवार को छोड़कर और सभी कार्यशील दिवसों पर उक्त अवधि के दौरान निरीक्षण के लिए उपलब्ध होगा ।

[सं. एफ. 16(158)/78-एम. पी.]

**S.O. 1106.**—The following modification which the Central Government proposes to make to the Zoning Regulations applicable to Commercial and Retail Business areas of the Master Plan is hereby published for public information. Any person having any objection or suggestion to the proposed modification may send the objection or suggestion in writing to the Secretary, Delhi Development Authority, Vikas Minar, Indraprastha Estate, New Delhi, within a period of thirty days from the date of this notice. The person making the objection or suggestion should also give his name and address.

#### MODIFICATION:

"At page 61 of the Master Plan book under head IV (C) "District Centre and proposed Central Business Districts in Shahdara and Karol Bagh" below "District Centre more than 25 acres" the following shall be added :—

Sub-District Centre:

Maximum F.A.R.—125

Maximum ground coverage—25%".

2. The proposed modification will be available for inspection at the office of the Authority, Vikas Minar, Indraprastha Estate, New Delhi, on all working days except Saturdays within the period referred to above.

[No. F. 16(158)/78-M.P.]

**का. आ. 1107.**—दिल्ली विकास अधिनियम, 1957 (1957 की संख्या 61) की धारा 10(1), जिसे दिल्ली डेवलपमेंट (मास्टर प्लान एंड जोनल डेवलपमेंट प्लान) रूल्स, 1959 के नियम 5 एवं 15 के साथ पढ़ा जाए, के अन्तर्गत सूचना :

एतद्वारा सूचना दी जाती है कि :—

1. (ए) क्षेत्र सी-8 (रोशनारा बाग) के क्षेत्रीय विकास चित्र हेतु प्रारूप तैयार हो चुका है, और

(बी) उक्त प्रारूप की एक-एक प्रतिलिपि निम्नलिखित कार्यालयों में नीचे आगे पैरा 3 में लिखी तिथि तक, 11.00 बजे (पूर्वाह्न) से 3.00 बजे (अपराह्न) के दौरान, शनिवार को छोड़कर और सभी कार्यशील दिवसों पर निरीक्षण के लिये उपलब्ध होगी :—

- (1) दिल्ली विकास प्राधिकरण कार्यालय, दिल्ली विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली ;
- (2) नई दिल्ली नगर पालिका कार्यालय, टाऊन हाल, नई दिल्ली ;
- (3) दिल्ली नगर निगम कार्यालय, टाऊन हाल, दिल्ली-6 ;
- (4) कार्यकारी अधिकारी कार्यालय, दिल्ली छावनी बोर्ड, दिल्ली छावनी-10 ।

2. इस क्षेत्रीय विकास चित्र प्रारूप के सम्बन्ध में एतद्वारा आपत्तियां एवं सुभाव आमन्त्रित किए जाते हैं ।

3. आपत्तियां/सुभाव लिखित रूप में दिनांक 3 मई, 1981 तक सचिव, दिल्ली विकास प्राधिकरण, दिल्ली विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली को भेजे जाएं ।

4। आपत्तियां/सुभाव भेजने वाला व्यक्ति अपना नाम एवं पता भी लिखें ।

[सं. एफ. 4(4)71-एम. पी.]

नाथू राम, सचिव

**S.O. 1107.**—Notice under Section 10(1) of the Delhi Development Act, 1957 (No. 61 of 1957) read with rules 5 and 15 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959.

Notice is hereby given that:—

1(a) a draft of the zonal development plan for Zone C-8 (Roshanara Garden) has been prepared; and

(b) a copy thereof will be available for inspection at the following offices between the hours of 11.00 A.M. and 3.00 P.M. on all working days except Saturdays, till the date mentioned in paragraph 3 hereinafter :—

- (i) Office of the Delhi Development Authority, Delhi Vikas Minar, I.P. Estate, New Delhi.
- (ii) Office of the New Delhi Municipal Committee, Town Hall, New Delhi.
- (iii) Office of the Municipal Corporation of Delhi, Town Hall, Delhi-6
- (iv) Office of the Executive Officer, Delhi Cantt. Board Delhi Cantt-10.

2. Objections and suggestions are hereby invited with respect to this draft zonal development plan.

3. Objections or suggestions may be sent in writing to the Secretary, Delhi Development Authority, Delhi Vikas Minar, I.P. Estate, New Delhi by the 3rd May, 1981

4. Any person making an objection or suggestion should also give his name and address

[No. F. 4(4)71-MP]

NATHU RAM, Secy.

## पूर्ति और पुनर्वासि मंत्रालय

(पुनर्वासि विभाग)

नई दिल्ली, 19 फरवरी, 1981

का. आ. 1108.—निष्क्रान्त सम्पत्ति प्रशासन अधिनियम, 1950 (1950 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा, पुनर्वासि विभाग, हरियाणा सरकार के उप-सचिव, (पुनर्वासि) श्री पी. पी. छाबड़ा को, उक्त अधिनियम द्वारा अधिकांश उसके अधीन सहायक महा अभिरक्षक को सौंपे गए कार्यों का निष्पादन करने के लिए, तत्काल प्रभाव में, सहायक महा-अभिरक्षक के रूप में नियुक्त करती है।

इससे अभिसूचना सं. 1(8)/विशेष सैल/77-एस. एस.-2, दिनांक 28 नवम्बर, 1979 को अधिक्रमण किया जाता है।

[सं. 1 (8)/वि. सै./77-एस. एस.-2]

रघुबीर शरण श्रीवास्तव, अवर सचिव

## MINISTRY OF SUPPLY &amp; REHABILITATION

(Department of Rehabilitation)

New Delhi, the 19th February, 1981

## NOTIFICATION

S.O. 1108.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints Shri P. P. Chhabra, Deputy Secretary (Rehabilitation) in the Rehabilitation Department, Government of Haryana, as Assistant Custodian General of Evacuee Property for the purpose of discharging the duties imposed on such Assistant Custodian General by or under the said Act with immediate effect.

This supersedes Notification No. 1(8)/Spl. Cell/77-SS. II. dated the 28th November, 1979.

[No. 1(8)/Spl. Cell/77-SS. II]

R. S. SRIVASTAVA, Under Secy.

## आवेश

नई दिल्ली, 19 फरवरी, 1981

का. आ. 1109.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वासि) अधिनियम, 1954 (1954 का 44) की धारा 34 की उप-धारा (2) द्वारा मुख्य बन्दोबस्त आयुक्त को प्रदत्त शक्तियों का प्रयोग करते हुए, मुख्य बन्दोबस्त आयुक्त इसके द्वारा बन्दोबस्त आयुक्त की शक्तियों का प्रयोग कर रहे, पुनर्वासि विभाग, हरियाणा सरकार के उप-सचिव को, हरियाणा राज्य में ग्रन्थित ग्रामीण और शहरी निष्क्रान्त भूमियों तथा सम्पत्तियों के सम्बन्ध में मुख्य बन्दोबस्त आयुक्त में प्रदत्त उक्त अधिनियम की धारा 23, 24, 28 और 35 की शक्तियां सौंपते हैं।

इस आवेश में 3 मार्च, 1979 के आदेश संख्या 1(14)/वि. सै./75-एस. एस.-2 का अधिक्रमण किया जाता है।

[सं. 1 (14)/वि. सै./75-एस. एस.-2]

गोविन्द जी मिश्र, मुख्य बन्दोबस्त आयुक्त

## ORDER

New Delhi, the 19th February, 1981

S.O. 1109.—In exercise of the powers conferred on the Chief Settlement Commissioner by sub-section (2) of section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Chief Settlement Commissioner hereby delegates to the Deputy Secretary in the Rehabilitation Department of the Government of Haryana, exercising the powers of Settlement Commissioner, the powers conferred on the Chief Settlement Commissioner under sections 23, 24, 28 and 35 of the said Act in so far as such powers may be exercised in respect of rural and urban avacuee lands and properties situated in Haryana State.

This order supersedes order No. 1(14)/Spl. Cell/75-SS. II. dated the 3rd March, 1979.

[No. 1(14)/Spl. Cell/75-SS. II]

G. J. MISRA, Chief Settlement Commissioner

## संचार मंत्रालय

(डाक तार बोर्ड)

नई दिल्ली, 23 मार्च, 1981

का. आ. 1110.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम, 434 के खण्ड 3 के पैरा (क) के अनुसार डाक-तार महा-निदेशक ने कोयचिलका, धर्मसागर परिमेल, ताल्ल-पालेम, एडनपूडि, पोलूर टेलीफोन केन्द्र में दिनांक 16-4-1981 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-6/81-पी. एच. बी.]

## MINISTRY OF COMMUNICATION

(P&amp;T Board)

New Delhi, the 23rd March, 1981

S.O. 1110.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S. O. No. 627 dated 8th March, 1960 the Director General, Posts and Telegraphs, hereby specifies 16-4-1981 as the date on which the Measured Rate System will be introduced in Kovachilaka, Parimella, Dharamasagar, Tallapalem, Eddanapudi and Poluru Telephone Exchange, Andhra Pradesh Circle.

[No. 5-6/81-PHB]

का. आ. 1111.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम, 434 के खण्ड 3 के पैरा (क) के अनुसार डाक-तार महा-निदेशक ने कंडला टेलीफोन केन्द्र में दिनांक 16-4-81 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-9/81-पी. एच. बी.]

S.O. 1111.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S. O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-4-1981 as the date on which the Measured Rate System will be introduced in Kandla Telephone Exchange, Gujarat Circle

[No. 5-9/81-PHB]



नई दिल्ली, 25 मार्च, 1981

**का. आ. 1112.**—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खण्ड 3 के पैरा (क) के अनुसार डाक-तार महा-निदेशक ने पोन्नरी, कावेराहपेट्टाई वेलूर टेलीफोन केंद्र में दिनांक 16-4-81 में प्रचलित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-28/80-पी. एच. बी.]

**आर. सी. कटारिया, सहायक महानिदेशक (पी. एच. बी.)**

New Delhi, the 25th March, 1981

**S.O. 1112.**—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-4-1981 as the date on which the Measured Rate System will be introduced in Ponneri, Kaveripettai & Velur Telephone Exchange, Tamil Nadu Circle.

[No. 5-28/80-PHB]

R. C. KATARIA, Assistant Director General (PHB)

### अथ मंत्रालय

### आदेश

नई दिल्ली, 17 नवम्बर, 1980

**का. आ. 1113.**—केंद्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में राजस्थान बैंक लिमिटेड, जयपुर के प्रबन्ध मंडल से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है ;

और केंद्रीय सरकार उक्त विवाद को न्यायानिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः; केंद्रीय सरकार, औद्योगिक विवाद अधिनिगम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकरारी श्री एम. डी. चौधरी होंगे, जिनका मुख्यालय जयपुर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायानिर्णयन के लिए निर्देशित करती है।

### अनुसूची

क्या राजस्थान बैंक लिमिटेड, जयपुर प्रबन्ध मंडल की—

- (1) 17-10-75 और 17-10-76 को होने वाली वार्षिक वेतन वृद्धियों को संचयी प्रभाव सहित रोकने ;
- (2) 23-10-1975 से 21-1-1977 तक मजदूरी अवधि के लिए वेतन और भत्तों का संदाय न करने ; और
- (3) श्री ताराचन्द बजाज को 21-1-1977 से 6-4-1977 तक की अवधि के लिए मजदूरी देने से इन्कार करने की कार्रवाही न्यायोचित है? यदि नहीं तो कर्मकार किस अनुतोष का हकदार है?

[सं. एल-12012/119/78/79-डी. 2-ए.]

### MINISTRY OF LABOUR

### ORDER

New Delhi, the 17th November, 1980

**S.O. 1113.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bank of Rajasthan Ltd., Jaipur and

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their workmen in respect of the matter specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. D. Chowdhary shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

### SCHEDULE

Whether the action of the management of Bank of Rajasthan Limited, Jaipur in

- (i) withholding the annual increments which fell due on 17-10-1975 and 17-10-1976 with cumulative effect ;
- (ii) not paying pay and allowances for the suspension period from 23-10-1975 to 20-1-1977 ; and
- (iii) denying wages for the period from 21-1-1977 to 6-4-1977 to Shri Tarschand Bajaj is justified ? If not, to what relief is the workmen entitled ?

[No. L-12012/119/78/79-D.II.A]

New Delhi, the 18th March, 1981

**S.O. 1114.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Hyderabad, in the industrial dispute between the employers in relation to the management of Messrs Singareni Collieries Company Limited, Somagudem No. 3 Incline, Bellampalli Division II, and their workmen, which was received by the Central Government on the 11th March, 1981.

**BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT**

**HYDERABAD**

**Industrial Dispute No. 6 of 1979**

**BETWEEN**

Workmen of M/s. Singareni Collieries Company Limited, Somagudem No. 3 Incline, Bellampalli Division-II.

**AND**

The Management of Messrs Singareni Collieries Company, Limited, Somagudem No. 3 Incline, Bellampalli Division-II.

**APPEARANCES :**

Sri B. Ganga Ram, Central Vice President Singareni Collieries Workers' Union, for Workmen.

Sri K. Srinivasa Murthy, Advocate and Hony. Secretary, Federation of Chambers of Commerce and Industry, Hyderabad for the Management.

**AWARD**

The Government of India Ministry of Labour, under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 by its Order F. No. L-21012(22)/78-D.IV(B), dated 28-5-1979 has referred to this Tribunal the following issue for adjudication in the Industrial dispute between the Workmen and the Management of Singareni Collieries Company Limited, Somagudem No. 3 Incline, Bellampalli Division-II, Andhra Pradesh :

### SCHEDULE

"Whether the action of the management of Messrs. Singareni Collieries Company Limited, Bellampalli Division-II in dismissing Shri Kannoori Odelu, Coal Filler Somagudem No. 3 Incline, Bellampalli Division-II from service with effect from 7th July, 1978 is justified ? If not, to what relief is the concerned workmen entitled ?

2 The reference was registered by this Tribunal as Industrial Dispute No. 6 of 1979 and notices were issued to parties concerned.

3. A Memo dated Nil, filed by the Management of Singareni Collieries Company Limited, Somagudium No. 3 Incline Bellampalli-II praying for passing an Award in terms of the Settlement. Sri B. Gangaram, Central Vice President, Singareni Collieries Workers' Union, Bellampalli and Shri Subrahmaniam, Divisional Personnel Officer, Bellampalli who is permitted to represent the General Manager, Bellampalli, admitted the terms of Settlement.

4. After having gone through the terms of the settlement it can be stated that it is just and proper and it is in the interest of both the concerned workmen and also the Management. Such proper and just settlement has to be accepted in order to see that cordial relationships between the workmen and the management are maintained. Hence, in the circumstances, it is a fit case for passing the award in terms of the settlement.

5. Award is passed accordingly in terms of the settlement between the parties. Copy of the settlement is herewith attached as part of the award.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 6th day of February, 1981.

V. NEELADRI RAO, Presiding Officer

(No. L-21012(22)/78-D.IV(B))

MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN THE MANAGEMENT OF SINGARENI COLLIERIES COMPANY LIMITED AND THEIR WORKMEN REPRESENTED BY S. C. WORKERS' UNION, BELAMPALLI UNDER SECTION 18(1) OF I.D. ACT, 1947 & R 58(4) OF I.D. (C) RULES, 1957, ON 4-1-1981 AT BELAMPALLI.

#### PARTIES PRESENT :

On behalf of the Management :

1. Shri S. P. Ahuja, General Manager, S.C. Co. Ltd., Bellampalli.
2. Shri P. Papa Rao, Sr. Personnel Officer, S.C. Co. Ltd., Bellampalli.

On behalf of the Workmen :

1. Shri B. Gangaram, Central Vice President, S.C. Workers' Union, Bellampalli.

#### Short recital of the Case

Shri Kannoori Odelu, Coal Filler, SMG 3 Incline was charge-sheeted for staging a lightning strike in second shift on 26-6-77 causing damage to work in progress and loss of output to the Company. Domestic enquiry was conducted into the chargesheet and Shri Kannoori Odelu was dismissed from the services of the Company. An Industrial Dispute was raised over this dismissal and the conciliation proceedings failed. The matter was referred to the Industrial Tribunal for adjudication as I.D. 6 of 79.

The Union approached the Management, number of times and after prolonged discussions the following settlement was arrived at to maintain harmonious relations.

#### Terms of Settlement

(1) The Management agrees to take back Shri Kannoori Odelu into service with effect from 11-1-1981 treating the intervening period as leave on loss of pay for continuity of service with the clear understanding that this is a concession for purposes of terminal benefits only.

(2) The Union agreed not to advance any claim for back wages for the period of idleness of this employee consequent on dismissal. This agreement settles the dispute in full and the parties will file the agreement before the Tribunal for

passing an award with the above terms in the Industrial Dispute No. 6/79.

#### Signatures :

- (1) Sd/-  
(S. P. Ahuja) General Manager, Bellampalli.
- (2) Sd/-  
(P. Papa Rao) Sr. Personnel Officer, Bellampalli.
- (1) Sd/-  
(B. Gangaram) Central Vice President, S.C. Workers' Union, Bellampalli.

#### Witnesses

- (1) Sd/- Illegible
- (2) Sd/- Illegible

New Delhi, the 19th March, 1981

S.O. 1115.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Bhaladhi Sand Line, Sitarampur Sub-Area of Eastern Coalfields Limited (Post Office) Sitarampur, Burdwan and their workmen, which was received by the Central Government on the 12th March, 1981.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : CALCUTTA

Reference No. 82 of 1978

#### PARTIES :

Employers in relation to the management of Bhaladhi Sand Line, Sitarampur Sub-Area of Eastern Coalfields Limited.

AND

Their Workmen.

#### APPEARANCES :

On behalf of Employers.—Mr. Kamallesh Sarkar, Manager and Mr. M. Samsuddin, Dy. Personnel Manager.

On behalf of Workmen.—Mr. M. Sanyal, General Secretary, Coal Mines Employees Union.

#### AWARD

This reference under Section 10 of the Industrial Disputes Act, 1947 has been sent to this Tribunal by the Central Government on the basis of its Order No. L-19012(32)/78-D.IV(B), dated 17th October, 1978 for adjudication of an industrial dispute between the employers in relation to the management of Bhaladhi Sand Line, Sitarampur Sub-Area of Eastern Coalfields Limited (Burdwan), hereinafter referred to as the "Colliery", and their workmen represented by the General Secretary, Coal Mines Employees Union, P.O. Dishergarh, District Burdwan, hereinafter referred to as the "Union", mentioned in the Schedule as below :—

"Whether the action of the management of Bhaladhi Sand Line under Sitarampur Sub-Area of Eastern Coalfields Limited, P.O. Sitarampur (Burdwan) by superannuating Shri Mathura Singh, Sand Incharge with effect from 1-7-78 is justified? If not, to what relief is the concerned workman entitled?"

2. The parties filed their respective written statements. According to the Union the case of the workman, to be short, is that Mathura Singh worked in the Colliery as Sand Incharge and his service was terminated with effect from 1-7-78 on the allegation that he had attained the age of superannuation on and from that date. According to the Union's case the age recorded in the B form register was incorrect and that the correct date of birth of the concerned workman would appear in the Coal Mines Provident Fund's (CMPF) records and a request was made to the Colliery for correction of his age according to that record. As the Colliery authority did not

correct the age as claimed by Mathura Singh, the present dispute was raised and finally it has come before this Tribunal for decision. According to the Union, as per the terms in the Circular of the Colliery dated 13th September, 1977, the age in the record of the Coal Mines Provident Fund will prevail in case of conflict between the records of the B form and the CMPF register. It is alleged that the age appearing in the CMPF record should be the date of superannuation. The claim is that he should get all monetary benefits upto that age and that the termination of his service with effect from 1-7-78 should be declared illegal.

3. To be brief, the case of the Colliery is, that Mathura Singh was correctly superannuated from service. The concerned workman was literate and he was fully aware of his age as recorded in the B form register and also in his identity card long before the date of his retirement. There was no objection from his side regarding this age before his retirement. The age recorded in Form A in the office of the CMPF was incorrect and absurd. The Regional Commissioner, CMPF, Asansol in a general way had admitted earlier that the age recorded in his office was not dependable and therefore the management had no obligation to give any benefit to the concerned workman. According to the Colliery the age appearing in B form register is the correct age given by and within the knowledge of the concerned workman and that the retirement of the concerned workman on superannuation was legal.

4. Mr. M. Sanyal, General Secretary of the Union appeared on behalf of the Union representing the workman and on the side of Colliery, Mr. Kamallesh Sarkar, the Manager appeared. It may be mentioned that on objection of the Union to the appearance of the lawyer Mr. N. Das, Advocate was not allowed to represent the Colliery.

5. At the opening of the hearing Mr. Sanyal submitted that there would be no oral evidence on the side of the Union and in consequence Mr. Sarkar on behalf of the Colliery gave out that on his side no oral evidence would be necessary. As agreed to by both the parties several documents were exhibited both on the side of the Union as well as on the side of the Colliery, formal proof whereof was waived. One witness was cited by the union for production of the form A preserved by Coal Mines Provident Fund Department in respect of the concerned workman wherein the date of birth of the workman was recorded. The person who brought the record was Publicity Assistant of Coal Mines Provident Fund Department, Region B, Asansol. According to his evidence the figure "22" written in the declaration form A, marked Ext. W-1, appeared to be written after erasure of some other figure. Of course he does not know who has written that form. This form was filed in the office of CMPF on 25-5-1949.

6. The contention of Mr. Sanyal appearing on behalf of the Union is that the age recorded in B form of the Colliery as well as in the service card has been written without the knowledge of the workman concerned and the said age was incorrect. It has been further argued that the age appearing in form A given by the workman while starting his Provident fund account was the correct age. His submission is that the action on the part of the Colliery in retiring the concerned workman earlier on the basis of the age recorded in B form was illegal and mala fide.

7. Mr. Sarkar for the Colliery on the other hand has contended that the concerned workman is literate. At the time of his appointment in the erstwhile colliery taken over by the Government subsequently, the workman stated his age quite voluntarily and correctly and the same was recorded in the B form register by the erstwhile management. Not only was it recorded in the B form but the same age was recorded in the service card of the concerned workman and there was no objection whatsoever to that age given by the workman himself. For the first time the objection was raised only on the eve of his retirement by superannuation. It has also been argued that the age as recorded in A form preserved by the CMPF department has been tampered with and that must have been done at the instance or for the interest of the concerned workman only to see that the service could be prolonged illegally.

8. As I have already stated, the Union has not adduced any oral evidence. The workman who is vitally interested in the dispute and who knows his age best has not been examined in this case. No reason has been assigned as to why he has not been examined.

9. The next and most important evidence of age of the concerned workman appears in B form register marked Ext. M-6, which was undoubtedly prepared during the time of erstwhile management of the colliery before the takeover. That it was maintained by the said management will appear further from the fact that there are several endorsement about the termination of service of several employees by way of death, superannuation, transfer, etc. before the takeover in 1973 and those dates will appear in respect of the workman employed by the erstwhile management subsequent to the engagement of the concerned workman. The concerned workman Mathura Singh will appear in Sl. No. 11 of the form. The column in respect of age and sex says that he was born in 1918 and the date of his employment has been recorded as in 1942. Against his name, age, address, etc., the signature of Mathura Singh in English appears. The records have been maintained in English. The ordinary presumption is, unless shown otherwise, that he gave his signature in the B form knowing the contents thereof including his age given there as 1918.

10. The next important document is the service card of the concerned workman himself. This has been marked Ext. M-5. In the column for date of birth the year 1918 has been recorded. Here also the signature of the concerned workman appears and that is in English. It appears, therefore, that Mathura Singh knew well that his date of birth has been recorded as 1918 both in B Form register as well as in service card. If really there was any mistake in respect of his age he would have objected to the year of his birth but there was no such objection. The third document of age in respect of the concerned workman is form A maintained by the Coal Mines Provident Fund department marked Ext. W-1 on which the Union relies. In this document, although there is the column for date of birth indicating date, month and year, it has been simply stated "22 years (approximately)". In the B form register as well as in the service card the year of birth of the concerned workman was given as 1918 specifically without any ambiguity whereas in form A, Ext. W-1, it is simply 22 years and also approximately. No specific year of birth has been given not to speak about the date or month of any year. Moreover, there is the word "approximately". This indicates that the person who mentioned the age of the concerned workman in form A had not any knowledge about the date, month or year of birth of the workman, that is to say, the age given there was vague and indefinite. This sort of age as given as got no practical value as against the age shown in the form B and the service card. There is another important fact to be mentioned. The witness who produced this document, Ext. W-1 from the department of CMPF on perusal of the said document has said that the figure "22" in the column of age appears to be written after erasure of some other figure and that the age given in the said declaration form cannot be taken as gospel truth. I have also personally seen and I have no doubt that there has been some erasure and the figure "22" has been written after deleting some other figures. In the circumstances the form A of CMPF has been clearly tampered with and the age appearing there is most unreliable. The age given in the form was not a correct and reliable age and it was not dependable due to tampering as well.

11. In this case it is quite clear that the concerned workman Mathura Singh was literate and also the Sand Incharge. He gave his signature in English with the knowledge that his year of birth had been given as 1918 both in form B register as well as in service card without any objection whatsoever. So many years passed but only before a few months prior to the date of his superannuation in 1978 according to the year of birth given in Exts. M-5 and M-6, he wanted to say that his age given in those two documents was not correct but the one given in form A was acceptable. As I have already stated even the age as recorded "approximately" would not be acceptable for the purpose of superannuation unless at least the year of birth is given. In the present case the concerned workman has not come forward to give evidence to say that he did not know about the age given

in form B register or in the service card or that he was born on such and such date. The facts and circumstances coupled with his non-examination will only lead to the reasonable presumption that he could not face the Tribunal to give false evidence challenging his age as recorded in form B register as well as in the service card.

12. I have given my best consideration to the facts and circumstances of this case and I hold that the Colliery was justified in retiring Mathura Singh by way of superannuation on the basis of the age given by him and as recorded in B form register and the service card according to the circular dated 29-10-76, Ext. M-4 which says that in case of an employee whose year of birth is known without month or date, 1st July of the year would be treated as the date of birth.

I pass an award accordingly.

R. BHATTACHARYA, Presiding Officer

Da'ed, Calcutta,

The 6th March, 1981.

[No. L-19012(32)/78-D. IV(B)]

S. S. MEHTA, Desk Officer

नई दिल्ली, 16 मार्च, 1981

का.आ. 1116.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि सीमेंट उद्योग में सेवाओं को, जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 3 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए उपयोगी सेवा घोषित किया जाना चाहिए ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस. 11017/2/81/डी-1 (ए)]

New Delhi, the 16th March, 1981

S.O. 1116.—Whereas the Central Government is satisfied that the public interest requires that the services in the Cement industry, which are covered by entry 3 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S. 11017(2)/81-D. I (A)]

नई दिल्ली, 17 मार्च, 1981

का.आ. 1117.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 2593 तारीख 16 सितम्बर, 1980 द्वारा सीमेंट खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 25 सितम्बर, 1980 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 25 मार्च, 1981 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/14/80-डी (ए) (1)]

New Delhi, the 17th March, 1981

S.O. 1117.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 2596 dated the 16th September, 1980, the lead mining industry to be a public utility service for the purposes of the said Act, for a period of six months from the 25th September, 1980 ;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 25th March, 1981.

[No. S-11017(4)/81-D. I (A)(i)]

का. आ. 1118.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 2597 तारीख 16 सितम्बर, 1980 द्वारा जिंक खान उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 17 सितम्बर, 1980 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्र सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 17 मार्च, 1981 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/14/80-डी 1 (ए)]

एल. के. नारायणन, अवर सचिव

S.O. 1118.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 2597 dated the 16th September, 1980, the Zinc mining industry to be a public utility service for the purposes of the said Act, for a period of six months from the 17th September, 1980 ;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 17th March, 1981.

[No. S-11017(4)/81-D. I (A)(ii)]

L. K. NARAYANAN, Under Secy.

New Delhi, the 17th March, 1981

**S.O. 1119.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Hyderabad in the industrial dispute between the employers in relation to the management of the Food Corporation of India, Nizamabad and their workman, which was received by the Central Government on the 11th March, 1981.

**BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)  
AT HYDERABAD**

**INDUSTRIAL DISPUTE NO. 15 OF 1980**

**BETWEEN**

Workmen of Food Corporation of India, Nizamabad.

**AND**

The Management of Food Corporation of India, Nizamabad  
(A. P.)

**APPEARANCES :—**

Sarvasri G. Bikshapathy and N. Mohan Rao, Advocates  
for the Workmen.

Sri B. V. Sesha Reddy, Advocate for the Management.

**AWARD**

Under Section 7A and 10(1)(d) of the Industrial Disputes Act, 1947 the Government of India, Ministry of Labour referred to this Tribunal the following dispute between the Workmen and the Management of Food Corporation of India, Nizamabad (A.P.) by its Letter No. L-42011(59)/79-D. I.L.B dated 7th October, 1980 ;

**SCHEDULE**

"Whether the action of the Food Corporation of India, Nizamabad in terminating the services of Sri Shaik Habib, Ex-Watchman with effect from 28-2-1977 is justified and legal? If not, to what relief the workman is entitled?"

2. This reference was registered as Industrial Dispute No. 15 of 1980 and notices were issued to both parties.

3. The case of the workman (hereinafter referred to as the Petitioner) is as follows :—

(i) He was appointed by the Respondent District Manager, Food Corporation of India, Nizamabad as per original of Ex. M 1 dated 5-2-1975 with effect from 6-2-1975. As per Ex. W 1, order dated 15/20-4-1976, he was appointed as a Watchman on daily rate basis with immediate effect and posted to the District Office of the Respondent-Corporation at Nizamabad. His services were terminated with effect from 28-2-1977 afternoon as per Ex. W 2 without assigning any reason, whatsoever. Thereafter he was constrained to move the Conciliation authority, but however the conciliation proceeding ended in failure and report as per original of Ex. W 3 was sent to the Central Government by the concerned authority.

(ii) He was eligible for the time scale of pay as per the direction of the Zonal Office, Madras. But inspite of the above direction, the Respondent con-

tinued to pay the daily rate of wages to the Petitioner till his services were terminated. So he filed C.M.P. No.19/80 before the Labour Court, Hyderabad claiming the difference of daily rate and monthly scales of pay in respect of the period of his service. During the pendency of the said C.M.P. the Regional Office of the Respondent Corporation sent for the Petitioner and asked him to withdraw his petition before the Labour Court by promising to reinstate him and accordingly Ex. W 4 Memorandum of Settlement dated 29-5-1980 was prepared and the Petitioner was promised the order of appointment on or before 12-6-1980. The Petitioner signed in the above Settlement as he was in hard-pressed circumstances and as he had no other alternative. As the Respondent did not bother to fulfil its obligation as set out in the settlement, the Petitioner was constrained to send a notice as per original Ex. W 5 on 22-9-1980 terminating the above settlement.

(ii) The order of termination is illegal for the following reasons. The District Manager is not competent to terminate the services of the Petitioner. As neither notice pay nor retrenchment compensation was paid to the Petitioner, the order of termination contravened Section 25F of the I.D. Act. The juniors to the Petitioner were retained while he was retrenched. The action of the Respondent amounts to victimisation and unfair labour practice. It is arbitrary and discriminatory. Hence he prays for reinstatement and back wages as he is un-employed. Even since from the date of retrenchment from service, he could not secure alternative employment inspite of his honest and best efforts.

4. The case of the Respondent is as follows :—As the services of the Petitioner were only on daily rated basis and liable for termination at any time without notice, the termination was in accordance with the terms of appointment. The petitioner was not discriminated. The Respondent is a statutory Corporation governed by certain rules and regulations. Dehors the rules, no permanent appointment could be made by it. For appointment in a permanent post for Watchman, requisite qualifications such as age and sponsorship by the Employment Exchange are essential. The petitioner is covered-aged and his name was not sponsored by the Employment Exchange at any time. It is not correct to say that juniors of the petitioner were retained when he was retrenched. As the appointment is temporary, the District Manager is competent to terminate the services of the petitioner. The allegation that there was victimisation or unfair labour practice is unfounded. The circulars of the Zonal Office are not applicable to the Petitioner as he was appointed as Watchman in the daily rated capacity only after 25-1-1976. The settlement is non-existent as the petitioner himself terminated it by sending the notice on 22-9-1980. C.M.P. No. 19/80 were dismissed on 17-12-1980. Thus the order of termination of the services of the petitioner is fair and just.

5. The Petitioner was appointed as casual labourer on daily rated basis at Modern Rice Mills of the Respondent-Corporation at Sarangapur from 6-2-1975 as per the original of Ex. M 1. Even in the said proceedings, it was mentioned that the appointment was purely temporary and liable for termination at any time without notice. Later he was appointed as Watchman on daily rated basis with immediate effect and posted to District Office, Nizamabad as per Ex. W1 proceedings dated 15/20th April, 1976. Therein

also it was mentioned that his appointment was purely temporary and liable for termination at any time without any notice. The total number of days for which the Petitioner worked for each month in Sarangapur in Nizamabad from 6-2-1975 to 28-2-1978 are noted in Ex. M 4 statement. Admittedly the Petitioner was not paid the notice pay or retrenchment compensation under Section 25F of the I.D. Act.

6. It was urged for the Petitioner as follows :—The Petitioner was in continuous service of the Respondent for more than a year. In any case he worked for more than 240 days in the calendar year prior to 28-2-1977. Hence he is entitled to notice pay and also retrenchment compensation as per Section 25F of the I.D. Act, but he was not paid the same. Hence the order of retrenchment contravenes Section 25F of the I.D. Act. Further his services were terminated when his juniors were retained, and thus the order of termination contravenes Section 25(g) of the I.D. Act. The order of termination is not valid as it was not passed by the District Manager.

7. It was urged for the Respondent as follows :—The appointment of the petitioner was purely temporary and even in the orders of appointment it was mentioned that his services are liable to be terminated without notice. So section 25F of the I.D. Act is not attracted in this case. As the petitioner is a temporary employee, the District Manager is competent to terminate his services. The Respondent is a public Corporation, and it is governed by the Rules and Regulations. One can be appointed on a permanent basis in this Corporation if he is having requisite qualifications and he is sponsored by the Employment Exchange. As the Petitioner is over-aged and as he was not sponsored by the Employment Exchange, he cannot be taken as a permanent employee. There are no vacancies for the posts of Watchman. Hence in any case, reinstatement cannot be ordered.

8. So the points for consideration are :—

- (1) Whether Section 25F of the I.D. Act is applicable in regard to a temporary employee?
- (2) Whether order of termination of the services of the Petitioner is not passed by the competent authority?
- (3) Whether the order of termination of the services of the Petitioner contravenes Section 25(g) of the I.D. Act?

9. POINT 1 :—Section 25F of I.D. Act is as follows :—

“Conditions precedent to retrenchment of workmen: No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice?

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service;

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed

year of continuous service) or any part thereof in excess of six months; and

- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the official Gazette)”.

The 'workman' is defined under Section 2(a) of the I.D. Act. The above definition of workman and Section 25F do not indicate that Section 25F is applicable only in regard to permanent employees. In fact the various decisions of the Supreme Court in regard to Section 25F are in regard to temporary employees. In *STATE BANK OF INDIA v. N. S. MONEY*, 1976 AIR, S.C. (1111) the Supreme Court dealt with the case of an employee appointed for fixed period. The learned counsel for the Respondent had not referred to any decision to support its contention that Section 25F is not applicable in regard to a temporary employee. Hence I find that Section 25F is applicable even in regard to temporary employee.

10. POINT 2 :—Ex. M 3 shows that the order of termination was signed by some one, for District Manager. The plea of the petitioner is that District Manager is not competent to pass order of termination and it is not the plea of the Petitioner that order of termination cannot be signed by some one on behalf of the District Manager. Anyhow the Petitioner had not placed any rules to show that District Manager is not competent to pass the order of termination. Further if District Manager is competent to pass the order of termination and if he passed the said order, then even if the copy of the order sent to the Petitioner was signed by some one on behalf of the District Manager, such an order cannot be treated as illegal. Hence this point is held against the Petitioner.

11. POINT 3 :—Except the mere bald assertion that the juniors of the petitioner were retained when his services were terminated, no material is placed to show as to which of the retained persons are juniors to the petitioner in the category of Watchman. Hence this point is also held against the Petitioner.

12. But in view of my finding on Point 1, the order of termination of the services of the Petitioner has to be treated as void, as he was not given retrenchment compensation even though he worked for more than 240 days in a calendar year prior to 28-2-1977 as can be seen from Ex. M 4.

13. In *S. K. Verma v. Industrial Tribunal-cum-Labour Court* (AIR 1981 S.C. page 422) it was observed as follows :—

“Plain common sense dictates that the removal of an order terminating the services of workmen must ordinarily lead to the reinstatement of the services of the workmen. It is as if the order has never been and so it must ordinarily lead to back wages too. But there may be exceptional circumstances which make it impossible or wholly inequitable vis-a-vis the employer and workmen to direct re-instatement with full back wages. For instance, the industry might have closed down or might be in severe financial doldrums; the workmen concerned might have secured better or other employment elsewhere and so on. In such situation, there is a vestige of discretion left in the Court to make appropriate consequential orders. The Court may deny the relief of reinstatement where reinstatement is impossible because the industry has closed down. The Court may deny the relief of award of full

back wages where that would place an impossible burden on the employer. In such and other exceptional cases the Court may mould the relief but ordinarily the relief to be awarded must be reinstatement with full back wages. That relief must be awarded where no special impediment in the way of awarding the relief is clearly shown. True, occasional hardship may be caused to an employer but we must remember that, more often than not, comparatively far greater hardship is certain to be caused to the workmen if the relief is denied than to the employer if the relief is granted."

14 In this case there is no special impediment in the way of awarding relief of reinstatement with full back wages. The learned counsel for Respondent has not referred to any such impediments.

15 It was urged for the petitioner that he should be paid wages as per the monthly scales of pay, while it was contended for the Respondent that in case this Tribunal is going to order back wages to the petitioner, he should be paid only at the daily rate of Rs. 400 per day i.e. the pay which he was getting by the date of retrenchment. The order of retrenchment of the services of the petitioner is set aside as the retrenchment compensation was not paid to the petitioner. In such a case it has to be held that such an order of retrenchment was not there, and it should be deemed that the petitioner is in service. So when he was getting only Rs. 400 per day by the date of his retrenchment and when the Labour Court in C.M.P. No. 19/80 held that he is not entitled to monthly scales of pay, then it is not proper for this Tribunal to order pay as per monthly scales. Hence I find that he is entitled to back wages as per daily rate.

16 In the result I find that the action of the Food Corporation of India, Nizamabad, in terminating the services of Sri Shaik Habeeb is not just and legal, and Shaik Habeeb has to be reinstated and he has to be given back wages at the daily rate of Rs. 400 till the date of reinstatement from the date of termination.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal this the 19th February 1981.

V NEELADRI RAO, Presiding Officer

[No. I 42011/59/79-D-II(B)]

S. S. BHALLA, Desk Officer

#### Appendix of Evidence

Witnesses examined  
for Workmen

W W 1 Shaik Habeeb

Witnesses examined  
for Management

M W 1 Panneti Selvan

#### Documents exhibited for the workmen

Ex W1 Office Order No. 1/1/76-77 dated 15/20 4-1976 issued by the District Manager Food Corporation of India, Nizamabad to Shaik Habeeb.

Ex W2 Termination order No. A1/1/76 77 dated 21-2 77 issued by District Manager Food Corporation of India, Nizamabad to Shaik Habeeb.

Ex W3 Failure of conciliation report dated 15 12 79 under Sec. 12(4) of the I.D. Act 1947.

Ex W4. Memorandum of Settlement dated 29-5-80 arrived at between Sri Shaik Habeeb ex-watchman, District Office, Nizamabad and the Management of Food Corporation of India, Regional Office, Hyderabad.

Ex W5 Notice dated 22-9-80 issued by the Advocate for the workman to the Senior Regional Manager, Food Corporation of India, Regional Office, Mukaramjahi Road, Hyderabad.

Ex W6 Identity card issued by Government of Andhra Pradesh, Department of Employment to Shaik Habeeb.

#### Documents exhibited for Management

Ex M1 True copy of the office order No. 1/1/74 75-Lst dated 5-2-1975 issued by District Manager, Food Corporation of India, Nizamabad to Shaik Habeeb.

Ex M2 True copy of the office order No. 1/1/76-77 dated 15/20 4 76 issued by the District Manager to Shaik Habeeb.

Ex M3 True copy of the termination Order No. A1/1/76-77 dated 21-2 77 issued by the District Manager to Shaik Habeeb.

Ex M4: Statement showing the number of days worked by Shaik Habeeb, Ex-Watchman from 6-2-75 to 28-2-77 and the actual amount paid to him.

Sd/- Illegible

Presiding Officer

INDUSTRIAL TRIBUNAL

नई दिल्ली, 17 मार्च, 1981

क्र.आ. 1120 —केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, न्यू मंगलूर पोर्ट ट्रस्ट, मंगलूर के अधीन वर्कशाप और आटो रिपेयर शाप तथा सर्विस स्टेशन को 31 अक्टूबर, 1976 से 30 जून, 1981 तक, जिसमें यह तारीख भी सम्मिलित है, की अवधि के लिए उक्त अधिनियम के प्रवर्तन से छूट देती है।

2 पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात् —

(1) उक्त कारखाने का नियोजक, उक्त अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे हमसे इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियाँ, ऐसे प्रश्नों में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी,

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्रधिकृत कोई अन्य पदधारी —

(1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ, या

(2) यह अभिनियमित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा

अपेक्षित रजिस्टर और अभिलेख, उक्त अधिनियम के लिए रखे गये थे या नहीं; या

- (3) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्म-चारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और अस्त रूप में पाने का हकदान बना हुआ है या नहीं; या
- (4) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिये शक्ति होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है, या
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधियोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके पदधारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक को, उसके अधिकार या सेवक की ऐसी किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर, में पाया जाए, या ऐसे किसी व्यक्ति के जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का व्यक्ति-युक्त कारण है कि कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

#### व्याख्यात्मक शीर्षक

इस मामले में पूर्वापेक्षी प्रभाव से छूट देने आवश्यक हो गई है, क्योंकि छूट के लिए आवेदनपत्र देर से प्राप्त हुआ। तथापि, यह भी प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हिस पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एस-38014/7/80-एच. आई.]

New Delhi, the 17th March, 1981

S.O. 1120.—In exercise of the powers conferred by Section 90, read with section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the workshop and the Auto Repair shop and service station under the New Mangalore Port Trust, Mangalore from

the operation of the said Act for the period from the 31st October, 1976 upto and inclusive of the 30th June, 1981.

2. The above exemption is subject to the following conditions, namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

#### Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case, as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective will not affect the interest of anybody.

[No. S-38014/7/80-HI]



क्र. आ. 1121.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार टेक्स्ट बुक्स, चण्डीगढ़ को 1 अप्रैल, 1971 से 30 जून, 1981 तक जिसमें यह तारीख भी सम्मिलित है की अवधि के लिए उक्त अधिनियम के प्रवर्तन से छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात् :—

(1) उक्त कारखाने का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियाँ, ऐसे प्ररूप में ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

- (1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ; या
- (2) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गये थे या नहीं; या
- (3) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है, या नहीं; या
- (4) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

- (क) प्रधान या अध्यक्षित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या
- (ख) ऐसे प्रधान या अध्यक्षित नियोजक के अधियोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभागों से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियों और अन्य वस्तावज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या उन्हें ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अध्यक्षित नियोजक को, उसके अधिकर्ता या सेवक की, ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर, में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का व्यक्तिगत कारण है कि कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य वस्तावज की नकल तैयार करना या उससे उद्धरण लेना।

#### व्याख्यात्मक भाषण

इस मामले पर पूर्वापेक्षी प्रभाव से छूट देनी आवश्यक हो गई है, क्योंकि छूट के लिए आवेदनपत्र चिल्म्ब से प्राप्त हुआ। तथापि, यह प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एस-38014/28/80-एच. आई.]

S.O. 1121.—In exercise of the powers conferred by section 90, read with section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the Government of India Text Books Press, Chandigarh from the operation of the said Act for the period from 1st April, 1971 upto and inclusive of the 30th June, 1981.

2. The above exemption is subject to the following conditions, namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification, or
- (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

#### Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case, as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective will not affect the interest of anybody

[No. S-38014/28/80-HI]

क्र.आ. 1122.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या क्र. आ. 2201, दिनांक 17 जुलाई, 1978 के अनुक्रम में, केन्द्रीय सरकार हिन्दुस्तान एरोनाटिक्स लिमिटेड (लखनऊ डिविजन) लखनऊ को उक्त अधिनियम के प्रवर्तन से अक्टूबर, 1978 के प्रथम दिन से सितम्बर, 1979 के तीसवें दिन तक जिसमें यह दिन भी सम्मिलित है, की अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात् :—

(1) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसमें इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणीयां, ऐसे प्ररूप में और ऐसी विशिष्टियां सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी —

- (1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को स्थापित करने के प्रयोजनार्थ; या
- (2) यह अभिनिरुचित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गए थे या नहीं; या
- (3) यह अभिनिरुचित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रति-फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
- (4) यह अभिनिरुचित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिये सशक्त होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधियोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संवाय से संबंधित ऐसे लेखा, बहियां और अन्य वस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक को, उसके अभिकर्ता या सेवक की, ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक

या अन्य पदधारी के पास यह विश्वास करने का व्यक्ति-युक्त कारण है कि कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

#### व्यावसायिक मापन

इस मामले में पूर्वापेक्षी प्रभाव से छूट देनी आवश्यक हो गई है, क्योंकि छूट के लिए प्राप्त आवेदनपत्र की कार्रवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एस-38014/44/78-एच. आई.]

S.O. 1122.—In exercise of the powers conferred by section 87 read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 2201 dated the 17th July, 1978, the Central Government hereby exempts Hindustan Aeronautics Limited (Lucknow Division), Lucknow from the operation of the said Act for a further period of one year with effect from the 1st day of October, 1978 upto and inclusive of the 30th day of September, 1979.

2. The above exemption is subject to the following conditions, namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

#### Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/44/78-HI]

का. आ. 1123.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91 क के साथ पठित धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार फोटो, लिथो प्रेस, फरीदाबाद को 1 मई, 1976 से 30 जून, 1981 तक, जिसमें यह तारीख भी सम्मिलित है, की अवधि के लिए उक्त अधिनियम के प्रवर्तन से छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात् :—

(1) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियाँ, ऐसे प्ररूप में और ऐसी विशिष्टियों सहित देना जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी ;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्ति किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

- (1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ ; या
- (2) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गये थे या नहीं ; या
- (3) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफलस्वरूप इस अभिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है, या नहीं ; या
- (4) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं ;

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है ; या
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अभियोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रधान से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजूदारी के संदाय से संबंधित ऐसे लेखा, बहियाँ और अन्य वस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दें या उन्हें ऐसी जानकारी दें, जिसे वे आवश्यक समझते हैं ; या

(ग) प्रधान या अव्यवहित नियोजक को, उसके अधिकर्ता या सेवक को, ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर, में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि कर्मचारी है, परीक्षा करना ; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य वस्तावेज की नकल तैयार करना या उससे उद्धरण लेना ।

#### व्याख्यात्मक शीर्षक

इस मामले में पूर्वोक्ती प्रभाव से छूट देने आवश्यक हो गई है, क्योंकि छूट के लिए आवेदन-पत्र विलम्ब से प्राप्त हुआ । तथापि यह प्रमाणित किया जाता है कि पूर्वोक्ती प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा ।

[संख्या एस-38014/5/80-एच.आई.]

S.O. 1123.—In exercise of the powers conferred by section 90, read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the Government of India Photo Litho Press, Faridabad from the operation of the said Act for the period from the 1st May, 1976 upto and inclusive of the 30th June, 1981.

2. The above exemption is subject to the following conditions, namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in his behalf shall, for the purposes of—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period ; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period ; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification ; or
- (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory ;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary ; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has

reasonable cause to believe to have been an employee;  
or

- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

#### Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case, as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody.

[No. S-38014/5/80-HI]

नई दिल्ली, 19 मार्च, 1981

का. आ. 1124.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91 क के साथ पठित धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार मामूंगाँ पोर्ट-ट्रस्ट, मामूंगाँओ के अधीन धर्कशाप को उक्त अधिनियम के प्रवर्तन से पहली सितम्बर, 1971 से 30 जून, 1981 तक जिसमें यह दिन भी सम्मिलित है, की अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात् :—

(1) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियाँ, ऐसे प्ररूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी ;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

- (1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ ; या
- (2) यह अभिनविष्ट करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षा रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गये थे या नहीं ; या
- (3) यह अभिनविष्ट करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है, या नहीं ; या
- (4) यह अभिनविष्ट करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के सम्बन्ध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं ;

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है ; या
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधियोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रधारी से यह अपेक्षा करना कि वह व्यक्तियों के

नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियाँ और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं ; या

(ग) प्रधान या अव्यवहित नियोजक को, उसके अधिकर्ता या सेवक की, ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर, में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि कर्मचारी है, परीक्षा करना ; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्भरण लेना।

#### व्याख्यात्मक भाषण

इस मामले में पूर्वापेक्षी प्रभाव से छूट देनी आवश्यक हो गई है, क्योंकि छूट के लिए आवेदन-पत्र विलम्ब से प्राप्त हुआ। तथापि यह प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एस-38014/6/80-एच. आई.]

एन. बी. चावला, उप सचिव

New Delhi, the 19th March, 1981

S.O. 1124.—In exercise of the powers conferred by section 90, read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the workshop under the Mormugao Port Trust, Mormugao from the operation of the said Act for the period from the 1st September, 1971 upto and inclusive of the 30th June, 1981.

2. The above exemption is subject to the following conditions, namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950 ;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period ; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period ; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification ; or

(iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory ;

be empowered to—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary ; or

- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

### Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case, as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/6/80-HI]

N. B. CHAWLA, Dy. Secy.

नई दिल्ली, 18 मार्च 1981

क्र.सं. 1125.—बीड़ी कर्मकार कल्याण निधि नियम, 1978 के नियम 16 और नियम 3 के उप नियम (2) के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का अधिनियम 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उड़ीसा राज्य के लिए एक सलाहकार समिति गठित करती है, जिसके निम्नलिखित सदस्य होंगे और उक्त समिति का मुख्यालय निर्धारित करती है, अर्थात्—

- |   |                  |
|---|------------------|
| 1. श्रीमं मंत्री, उड़ीसा सरकार, अध्यक्ष                           |                  |
| उड़ीसा  |                  |
| 2. कल्याण प्रायुक्त, भुवनेश्वर                                    | उपाध्यक्ष (पदेन) |
| 3. श्रीमं प्रायुक्त, उड़ीसा                                       | सदस्य (पदेन)     |
| 4. श्री अक्षय कुमार आचार्य, एम० एल० ए०                            | सदस्य            |
| 5. सैयद हैदर खान, मंत्री, टोबाको और बीड़ी मर्चेन्ट एसोसिएशन कटक   | सदस्य            |
| 6. श्री एम० के० साहा, बीड़ी सप्लायर्स कम्पनी, खेतराजपुर, सामबलपुर | सदस्य            |
| 7. श्री एस० बी० दास, अध्यक्ष कटक बीड़ी श्रमिक संघ, कटक            | सदस्य            |
| 8. श्री अरुण डे, अध्यक्ष बालासोर, बीड़ी श्रमिक संघ, बालासोर       | सदस्य            |
| 9. डा० (श्रीमती) बेलारानी दाता                                    | महिला सदस्य      |
| अध्यक्ष, राज्य समाज कल्याण सलाहकार बोर्ड, उड़ीसा, भुवनेश्वर       |                  |

2. केन्द्रीय सरकार उक्त सलाहकार समिति का मुख्यालय भुवनेश्वर निर्धारित करती है।

[सं० यू० 23018/7/80-एम 5]

New Delhi, the 18th March, 1981

S.O. 112 —In exercise of the powers conferred by section 5 of the Beedi Workers Welfare Fund Act, 1976 (Act 62 of 1976) read with sub-rule (2) of rule 3 and rule 16 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby constitutes an Advisory Committee for the State of Orissa consisting of following members and fixes the headquarters of the said committee namely:—

- |   |                            |                           |
|---|----------------------------|---------------------------|
| (1) Labour Minister, Government of Orissa.  | Chairman                   |                           |
| (2) Welfare Commissioner, Bhubaneswar.  | Vice-Chairman (ex-officio) |                           |
| (3) Labour Commissioner, Orissa.  | Member (ex-officio)        |                           |
| (4) Shri Akshay Kumar Acharya, MLA.   | Member                     |                           |
| (5) Syed Hider Khan, Secretary Tobacco and Beedi Merchants Association, Cuttack.                  | Member                     | Employers representatives |
| (6) Shri M.K. Saha, Beedi Supply Co., Khetrajpur, Sambalpur.                                      | Member                     |                           |
| (7) Shri S.B. Das, President, Cuttack Beedi Shramik Sangha, Cuttack.                              | Member                     | Workers representatives   |
| (8) Shri Arun Dey, President, Balasore Beedi Shramik Sangha, Balasore.                            | Member                     |                           |
| (9) Dr. (Mrs.) Balarani Dutta, Chairman State Social Welfare Advisory Board, Orissa, Bhubaneswar. | Woman Member               |                           |

2. The Central Government hereby fixes Bhubaneswar as the headquarters of the said Advisory Committee.

[No.U/23018/7/80-MV]

क्र.सं. 1126.—बीड़ी कर्मकार कल्याण निधि नियम, 1978 के नियम 16 और नियम 3 के उप नियम (2) के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का अधिनियम 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार गुजरात राज्य के लिए एक सलाहकार समिति गठित करती है, जिसके निम्नलिखित सदस्य होंगे और उक्त समिति का मुख्यालय निर्धारित करती है, अर्थात्—

- |   |                  |
|---|------------------|
| 1. श्रीमं मंत्री, गुजरात सरकार  | अध्यक्ष          |
| 2. कल्याण प्रायुक्त, भोलवाड़ा   | उपाध्यक्ष (पदेन) |
| 3. सचिव, श्रीमं रोजगार विभाग, गुजरात  | सदस्य (पदेन)     |
| 4. श्री ठाकुर शंकरजी, एम० एल० ए०  | सदस्य            |
| 5. श्री जीधराज गणेश भाई पटेल 889, लिम्बानी घेरी, गोमित भितपुर, ग्रहमदाबाद                       | सदस्य            |
| 6. श्री नगरदास नानालाल पटेल अध्यक्ष, बीड़ी टोबाको मर्चेन्ट्स एसोसिएशन, गोल घेरी पवन, जिला महसना | सदस्य            |

नियोजकों के प्रतिनिधि

7. श्री एन० डी० भावेरी, ग्राम सदस्य  
कुटीर, जवाहरनगर, मन्जी-  
पारा रोड, नाडियाद
8. श्री गोर्धनभाई पटेल (अध्यक्ष) सदस्य  
लालबाबता कामदार, युनियन  
4/90 सुन्दर नगर, नारनपुर,  
अहमदाबाद
9. श्रीमती शांता बेन योगेन्द्र कुमार महिला सदस्य  
मोकवाना, अशोक स्ट्रीट,  
वेण्कारस डाकघर गोजित्रा, तालुका  
पेटलाड, जिला खेडा।
2. केन्द्रीय सरकार उक्त सलाहकार समिति का मुख्यालय भीलवाड़ा (राजस्थान) निर्धारित करती है।

[सं० यू० 23018/7/80 एम 5]

भार० के० दास, सचिव

S.O. 1126.—In exercise of the powers conferred by section 5 of the Beedi Workers Welfare Fund Act, 1976 (Act 62 of 1976) read with sub-rule (2) of rule 3 and rule 16 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby constitutes an Advisory Committee for the State of Gujarat consisting of following members and fixes the headquarters of the said Committee, namely:—

- |  |                                    |                            |
|--|------------------------------------|----------------------------|
| (1) Labour Minister,<br>Government of Gujarat.   | Chairman                           |                            |
| (2) Welfare Commissioner,<br>Bhilwara  | Vice-<br>Chairman<br>(ex-officio). |                            |
| (3) Secretary<br>Labour and Employment<br>Department,<br>Government of Gujarat.  | Member<br>(ex-officio)             |                            |
| (4) Shri Thakur Shankerji<br>M.L.A.  | Member                             |                            |
| (5) Shri Ilvaraj Ganeshbhai Patel,<br>889 Limbani Sheri,<br>Gomtipur,<br>Ahmedabad.  | Member                             | Employers' representatives |
| (6) Shri Nagardas Nanalal Patel,<br>President,<br>Bidi Tobacco Merchants<br>Association,<br>Golsheri Patan,<br>District Mehsana. | Member                             |                            |
| (7) Shri N.D. Jhaveri,<br>Shyamkuteer,<br>Jawahar Nagar,<br>Manjipara Road,<br>Nadiad.   | Member                             | Workers representatives.   |
| (8) Shri Gordhanbhai Patel,<br>(President),<br>Lalvavia Kamdar Union,<br>4/90 Sundarnagar,<br>Naranpura,<br>Ahmedabad.           | Member                             |                            |
| (9) Smt. Shantaben Yogendrakumar<br>Mokwana,<br>Ashok Street,<br>Venkarvas,<br>Post Gajitra Taluka Petlad,<br>District Kheda.    | Woman Member                       |                            |

2. The Central Government hereby fixes Bhilwara (Rajasthan) to be the headquarters of the said Advisory Committee.

[No.U/23018/7/80-MV]

R. K. DAS, Under Secy.

New Delhi, the 18th March, 1981

S.O. 1127.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Central Stores, Barkakana of Central Coalfields Limited, Post Office Barkakana, District Hazaribagh and their workmen, which was received by the Central Government on the 7th March, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL (NO. 2) DHANBAD

Reference No. 23 of 1980

In the matter of an industrial dispute under S.10(1)(d) of the  
I.D. Act, 1947

## PARTIES:

Employers in relation to the management of Central  
Stores, Barkakana of Central Coalfields Limited,  
Post office Barkakana, District Hazaribagh,

AND

Their workmen.

## APPEARANCES:

On behalf of the employers—Shri T. P. Choudhury,  
Advocate.

On behalf of the workmen—None.

STATE : Bihar.

INDUSTRY : Coal.  
Dhanbad, 2nd March, 1981.

## AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its notification No. L-20012(57)/80-D.III(A) dated 10th September, 1980 has referred this dispute to this Tribunal for adjudication on the following points:

## SCHEDULE

"Whether the demand of the workmen of the Central Stores, Barkakana of Central Coalfields Limited, Post office Barkakana, District Hazaribagh that the past service rendered by Shri C. D. Singh as Clerk Grade II should be taken into account for the purpose of his seniority as Assistant Store Keeper is justified? If so, to what relief is the said workman entitled?"

2. The dispute was raised by Secretary, Rashtriya Colliery Mazdoor Sangh, Barkakana branch, district Hazaribagh. It was received and registered on 25th September, 1980. Notices were issued to the parties. The management appeared and filed written statement on 11th December, 1980. But in spite of repeated adjournment nobody turned up on behalf of the workmen or his union.

3. It will appear from the written statement of the management that the concerned workman, Shri C. D. Singh was employed as General Mazdoor in category I and was paid a basic pay of Rs. 5 from 31st January, 1973 at Topa colliery. He was later promoted to the post of clerk Grade II on a pay scale of Rs. 205—325 w.e.f. 19th November, 1973. In Kuju Group of collieries the management was confronted with a large number of surplus personnel in clerical cadre due to mass induction at the instance of the appointing authorities. After assessing the requirement, it was decided that the surplus clerical personnel instead of being retrenched should be given training for absorption in the stores cadre as Assistant Store Keeper. Stores cadre is a totally different cadre, and has nothing to do with the clerical cadre. The pay scale of clerk Gr. II and that of an Assistant Store keeper is however the same. In Kuju Group of collieries altogether 24 persons were declared surplus in the year 1975. Thereafter it was decided to hold selection for absorption of the surplus personnel to the post of Assistant Store keepers. Accordingly a higher selection committee was constituted which held its sitting on 4th April, 1975 at Kuju colliery

and interviewed 11 persons who appeared for being considered. On the basis of interview and test conducted by the committee 4 candidates viz. S/Shri Motilal Dasgupta, Ranganath Tiwary, Md. Khalil and C. D. Singh (concerned workman) were selected in order of merit for appointment as Asstt. Store Keeper. According all these 4 persons were appointed as Asstt. Store Keeper and thereafter Shri C. D. Singh is working as such in Central Store, Harkakana w.c.f. 3rd July, 1975.

4. The stand of the union before the Conciliation Officer was that Shri C. D. Singh was working as clerk Gr. II before his interview for the selection of post of Assistant Store Keeper and therefore his seniority should be protected because the scale of pay of clerk Gr. II and Assistant Store Keeper is the same. According to the management this stand is untenable inasmuch as the two cadres are separate and distinct. Shri C. D. Singh voluntarily appeared for selection to the post of Assistant Store Keeper and therefore he cannot claim that in reckoning his seniority his past services in clerical grade II should also be tagged. The management has taken the stand that there was no question of granting Shri C. D. Singh the benefit of past seniority as he was selected and appointed in a new cadre as Assistant Store Keeper. Moreover, Shri C. D. Singh has in fact earned his promotion to the next higher post of Store Keeper w.c.f. 12th August, 1980.

5. On behalf of the concerned workman no plea had been taken as his union has not appeared inspite of notices and repeated adjournments. Shri T. P. Choudhury, Advocate has not chosen to give any oral evidence and has relied upon his written statement which is a verified statement. The position is that Shri C. D. Singh, the concerned workman happened to be one of the 24 persons of clerical Grade II who had been declared surplus. The surplus hands were given an opportunity to be absorbed in the stores cadre and along with 10 others the concerned workman exercised his option to go over to stores side. Out of the 11 persons he was selected being 4th in order of merit and started working on his appointment as an Assistant Store Keeper w.c.f. 3rd July, 1975. Now since he was for the first time appointed in a separate cadre as an Assistant Store Keeper, his seniority has to run from the date of his appointment and according to the merit list prepared at the time of his selection and appointment. There is no question of his past services in clerical grade II being considered in his next higher promotion in the stores section which appears to be the subject matter of this reference. What I mean to say is this that in the store cadre there must be quite a number of people serving from before as Assistant Store Keepers on the date of appointment of the concerned workman as Assistant Store keeper. Now if his past services is also tagged to his fresh appointment he would be senior to many others already serving as Assistant Store Keepers in the Stores cadre. Now if the stand of the workman is accepted the seniority of others already serving in the cadre would be adversely affected which was not the purpose of the choice offered to aforesaid 24 surplus hands. Shri C. D. Singh the concerned workman has since been promoted as Store Keeper and appears to have reconciled to the stand taken by the management. This explains the reason why neither he nor his union came to this court for establishing their case. In fact there appears to be no merit in the contention raised on behalf of the concerned workman at the conciliation stage that his past services in the clerical Gr. II should also be considered in the matter of promotion in the stores cadre.

6. I accordingly hold that the demand of the workmen of the Central Stores, Barkakana of Central Coalfields Limited, Post office Barkakana, District Hazaribagh that the past services rendered by Shri C. D. Singh as clerk grade II should be taken into account for the purpose of his seniority as Assistant Store Keeper is not justified. Consequently, the workman is entitled to no relief.

This is my award.

J. P. SINGH, Presiding Officer

[No. L-20012(57)/80-D.III(A)]

New Delhi, the 19th March, 1981

S.O. 1128.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the Industrial

dispute between the employers in relation to the management of Kusunda Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 10th March, 1981.

# BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 51 of 1978

## PARTIES :

Employers in relation to the management of Kusunda Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad.

AND

Their Workmen.

## APPEARANCES :

For the Employers—Shri T. P. Choudhury, Advocate.  
For the Workmen—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated the 5th March, 1981

## AWARD

By Order No. L-20012/151/78-D.III(A), dated, the 21st December, 1978, the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of Kusunda Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matter specified in the schedule attached to the order referred the dispute to this Tribunal for adjudication. The schedule to the reference reads thus :

"Whether the demand of the workmen of Kusunda Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad that the workers mentioned in Annexure 'A' should be allowed to resume duty with full wages and allowances for the period of their idleness from June, 1976 is justified? If so, to what relief are the said workmen entitled?"

## 'ANNEXURE 'A'

1. Shri Jainath Bhar.
2. Shri Rasaraj Mishra.
3. Shri Brahmdeo Thakur.
4. Shri Rampat Rajbhar.
5. Shri Patal Rajbhar.
6. Shri Murat Rajbhar.
7. Shri Kukhran Rajbhar.
8. Shri, Surat Harijan.
9. Shri Hira Harijan."

2. After notice to the parties they have filed their respective written statement. On behalf of the union a rejoinder has also been filed.

3. The case of the union is that the concerned workmen named in the annexure attached to the schedule in the order of reference were working as Tyndals Cat. IV in Pure Kustore Colliery under the then private owner. While the workmen were so working Pure Kustore Colliery and another colliery named as Kusunda Nayadih Colliery were nationalised and were amalgamated to one colliery which is now known as Kusunda Colliery. The workman continued to work as such under the management till 29th December, 1975. It was at that time a disaster occurred at Chasnala. The concerned workmen who were working as Tyndals in Kusunda Colliery were deployed to Chasnala to help in the recovery work by the management. The Chasnala disaster took place on 27th December, 1975. The workmen according to their case continued to work in the recovery work at Chasnala upto June, 1976. Thereafter when they came back to Kusunda

Colliery they were not allowed by the management to resume their duty at Kusunda. Hence the present dispute was raised by the union on behalf of the concerned workmen in which it is claimed that the concerned workmen should be allowed to resume duty with full back wages and allowances from June, 1976 under the management. The case of the management is that the concerned workmen who are nine in number never worked under the management after nationalisation as claimed by them as Tyndals. In Kusunda Colliery the nine concerned workmen were only doing some work under a contractor Dhari Yadav. The work the concerned workmen were doing were of miscellaneous nature. They were never employed directly by the management, either in Pure Kustore Colliery before amalgamation or in Kusunda Colliery after amalgamation. B.C.C.L. was put in charge of recovery work at Chasnala after the disaster in December 1975. Being so put in charge B.C.C.L. asked for volunteers from different collieries including Kusunda Colliery. At that time there were two categories of workmen in Kusunda colliery, namely, those who were directly under the management and those who were working under contractor. Kusunda Colliery sent some of its workers to assist the recovery work at Chasnala and those workers worked in the recovery work from 30th December, 1975 to 18th January, 1976. The workmen from Kusunda Colliery who helped in the recovery work at Chasnala were from two categories of workmen available then. One such category was the category of departmental workers and the other was the category of workers working under a contractor. The concerned workmen who were deputed to Chasnala belonged to the second category. For the period during which workmen from Kusunda Colliery worked in the recovery work B.C.C.L. was maintaining attendance-sheets and wage-sheets for the workers. These documents would show that except the nine concerned workmen the rest of the workmen who had been deputed from Kusunda Colliery were workmen who were directly under the management. So far as the nine concerned workmen were concerned the documents maintained by B.C.C.L. show that they were the workers who were working under contractor. The nine concerned workmen while they were working at Kusunda Colliery before going to Chasnala were under contractor and so in the documents maintained by B.C.C.L. in respect of workers assisting recovery work these nine concerned workmen have been shown separately. The nine concerned workmen as per the documents maintained by the management worked for only one day i.e. 16th January, 1976 at Chasnala. The number of departmental workers from Kusunda Colliery employed at Chasnala is 73. In these circumstances the nine concerned workmen are not entitled to reinstatement in Kusunda Colliery on their return from Chasnala.

4. In course of hearing on behalf of the management only one witness has been examined and on behalf of the union as many as four witnesses have been examined. Besides the afore-said oral evidence management has relied upon four documents Exts. M-1 to M-4 of which Ext. M-1 is the attendance-sheets, Ext. M-2 is overtime sheets, Ext. M-3 is wage-sheet for departmental workers and Ext. M-4 is wage-sheet for workmen under contractor.

5. MW-1 at the time of his deposition is a Safety Officer at Kusunda Colliery. He says that he has been working at Kusunda Colliery for 20 years. The witness asserts that the work of line packing, lowering of machines, sweeping and of cleaning was used to be done either departmentally or through contractors. He does not know personally the concerned nine workmen. He attended Chasnala recovery work on two days only out of 20 days. According to his recovery work at Chasnala was being done both by departmental workers as well as by workers working under contractor. The witness says that Exts. M-1 to M-4 are the attendance-sheets and wage sheets etc. in respect of the work done by the workmen of Kusunda at Chasnala. In none of these documents except in Ext. M-4 the names of nine concerned workmen are found. According to the witness departmental workers as well as workers under contractor who were sent for recovery work were paid by B.C.C.L. at Chasnala although the amount so paid was subsequently adjusted. The witness has no personal knowledge as to whether the contractor named as Dhari Yadav had been engaged at Kusunda by the management for doing jobs of miscellaneous nature by workers engaged by him. In cross-examination the witness says that in coal industry there are workers who are known as Tyndals, that after

B.C.C.L. took over Kusunda Colliery it gradually accepted the Tyndals who were previously working under contractors as its own. The witness further admits in cross-examination that he has no document in his possession to show which work was being done departmentally and which work was being done through contractor's workers at Kusunda. The witness is unable to say if the contractors who were engaged by the management in Kusunda Colliery including Dhari Yadav had licence under Abolition of Contract Labour Act. The witness admits that the colliery office has record to show that the persons named by him as contractors were doing contract work in the colliery. The witness further admits that he does not know any of the contractors personally and he heard their names in the Survey office. It is also admitted by the witness that Ext. M series relied upon by the management is not prepared in his presence. The witness pleads ignorance of the fact as to whether workers from Kusunda Colliery worked in recovery work at Chasnala till June 1976. He also says that he saw the documents Exts. M-1 to M-4 for the first time while deposing before the Tribunal. This being the evidence of only witness for the management it does not throw any light to enable the Tribunal to decide the only controversial question as to whether the nine concerned workmen were working in Kusunda Colliery under a contractor named Dhari Yadav till they were deployed by the management at Chasnala for recovery work. MW-1 has no personal knowledge as to whether the nine concerned workmen were working under a contractor at Kusunda before they were taken over to Chasnala. Even though MW-1 says that documents are available in the office to show that these nine concerned workmen were working in Kusunda Colliery under a contractor before they were taken to Chasnala to assist in the recovery work under no such document has been filed and no reason has been assigned as to why these documents have not been filed. Production of these documents would have clinched the matter to a great extent. But unfortunately the documents have not been produced. Necessarily therefore an adverse inference has to be drawn against the management for non-production of such documents to the effect that had those documents been produced they would have gone against the management. It is not disputed as admitted by MW-1 that the nine concerned workmen were working in Kusunda Colliery for the purpose of raising heavy machines although it is said that they were doing this work being engaged by a contractor and not directly under the management. The work thus admitted to be done by the nine concerned workmen is the work of a Tyndal. MW-1 further admits that after nationalisation it was the policy of the management to absorb the workmen working as Tyndals under a contractor as workers under the management. The case of the concerned workmen is as deposed to by the four witnesses examined by the union of whom two are independent witness is that the concerned workmen have been doing the work of Tyndal in Kusunda Colliery long before Kusunda Colliery was brought into existence by amalgamation of two other collieries, namely, Pure Kustore and Kusunda Nayadith. This evidence has not been counter-acted by any better evidence on the side of the management and so has to be accepted. If that is accepted there is no reason why these nine concerned workmen were not absorbed by the management even though years passed since the date of take over till the Chasnala Disaster in 1975. This is a strong circumstance in favour of the union. The document Ext. M series relied upon by the management also show that the nine concerned workmen worked at Chasnala as Tyndals belonging to Cat. IV. As I have already said no document has been filed by the management to show as to in what capacity and under whom those nine workmen were working at Kusunda Colliery before they were deputed to Chasnala, although it is admitted that they were working at Kusunda. In addition to the aforesaid oral evidence of MW-1, the management has relied upon four other documents, namely, Ext. M-1 to M-4 as has been pointed out above. Ext. M-1 is alleged to be a document showing payment of overtime to workers who were doing work at Chasnala. In this document names of 73 workers have been mentioned as well as names of nine concerned workmen separately. Management claims that 73 workers in this document have been named separately from the nine concerned workmen because the former were departmental workers and the latter were the workers under a contractor. Out of all the 73 workers named in Ext. M-1 workers mentioned against serial nos. 36 to 73 are said to be Tyndals. The nine concerned workmen who have been separately dealt with in this document as per the endorsement therein have been given wages as Tyndals belonging to Cat. IV. This separate treatment it is urged by the management is



on account of the fact that the nine concerned workmen being workers under a contractor could not be dealt along with the departmental Tyndals as mentioned in serial Nos. 36 to 73. Ext. M-3 is the wage sheet showing payment of wages to departmental workers only while Ext. M-4 is the wage-sheet showing payment to the nine concerned workmen. This separate treatment of the workers who were working at Chasnala being deputed from Kusunda Colliery is claimed by the management to be due to the fact that the nine concerned workmen not being departmental workers were to be treated separately. In Ext. M-3 the heading is as follows: "Following persons worked at Chasnala Colliery from 30th December, 1975 to 18th January, 1976". The heading in Ext. M-4 is— "Following persons of contractor worked at Chasnala Colliery on 16th January, 1976 (Hazari sheet). Both Exts. M-3 and M-4 are carbon copies of the originals. In Ext. M-4, however, the words "of contractor" in the heading appears to have been written in ink subsequently. The management claims that so far as the nine concerned workmen are concerned they worked at Chasnala Colliery for one day only namely 16th January, 1976. Mr. S. Bose for the union vehemently contends that all the four documents relied upon by the management have been created for the purpose of the case in order to defeat the claim of the union. Over and above that it is contended that the words in the heading "of contractor" in ink in Ext. M-4 is a subsequent interpolation in the document. All these contentions of Mr. Bose are not without force. As has been observed above MW-1 has no personal knowledge about these documents and was not present at the time when they were prepared. The witness only went to Chasnala for two days during the period 30th December, 1975 to 18th January, 1976 as deposed by him. Various officers of the management have signed these documents. None of these signatories has been examined to prove the authenticity of these documents and to say that as a matter of fact departmental workmen were being treated separately from workers under a contractor and so the nine concerned workmen were separately treated. MW-1 does not say that the management decided to treat the workers under a contractor separately from departmental workers. As a matter of fact as admitted by the management payments both to the departmental workers as well as to the workers under a contractor at Chasnala were being made by the management although the payment so made used to be subsequently adjusted in the account of Chasnala Colliery. That being so it is very difficult to come to a conclusion on the basis of Exts. M-1 to M-4 that the concerned nine workmen were not departmental workers but were working under a contractor named Dhari Yadav till they were taken to Chasnala. Dhari Yadav has not been examined. The management banks upon the statement of some of the concerned workmen in evidence before the Tribunal that they had no identity Cards nor they were contributing towards Provident Fund when they were working at Kusunda Colliery before they were taken to Chasnala. Relying upon this evidence it is argued by Mr. T. P. Choudhury that if really the concerned nine workmen were working under the management as claimed by them before they were taken to Chasnala they would have been in possession of identity Cards and would have been contributing towards provident fund. Since the workmen concerned admit in evidence that they had no identity cards and that they were not contributing to provident fund it must be held that they were not departmental workers at all. It is not possible to accept the contention of Mr. Choudhury and to reject the union's case on its basis. Assuming that the nine concerned workmen were not given identity cards and were not contributing towards provident fund still if as a matter of fact it is found that they were working all along under the management till they were taken to Chasnala, it cannot be said that merely because they were not given identity cards and were not contributing towards provident fund they were not departmental workers. At the cost repetition I may here once again refer to admission of MW-1 to the effect that there are documents to show that the nine concerned workmen were working under a contractor at Kusunda Colliery before they were taken to Chasnala. These documents have not been produced. I have already observed above that for non-production of these relevant documents an adverse inference has to be drawn against the management. That apart it is also admitted by the same witness that prior to take over it was the policy of the management to absorb the Tyndals working under contractor as Tyndals working under the management. The fact that the concerned workmen were working as Tyndals is also admitted. It was for the management to show that after absorbing other Tyndals working under contractors it was not

possible to absorb the nine concerned workmen as there was no work for them. But that is not the case of the management which on the other hand admits that the nine concerned workmen were doing the work of raising heavy machines which is the work of a Tyndal in Kusunda Colliery. If it was a policy of the management to absorb Tyndals working under contractors in ordinary course one would expect the nine concerned workmen to be absorbed in due course. No special circumstances having been shown by the management as to why these nine concerned workmen could not be absorbed. The inference is that in due course they were absorbed before they were taken to Chasnala and for some ulterior motive management is refusing to take them in on their return from Chasnala. I have examined the oral evidence led by the union carefully. The evidence of two of them has to be accepted as independent evidence in support of the union's case. In this connection it may be said here that there is no evidence that the management get itself registered under Abolition of Contract Labour Act to enable it to engage contractor for its work. Similarly there is no evidence that Dhari Yadav under whom the nine concerned workmen are said to have worked for the management at Kusunda Colliery was a registered contractor under Abolition of Contract Labour Act. These are circumstances which are against the management's case and support the case of the union. So as a matter of fact I hold that the nine concerned workmen were departmental workers under the management at Kusunda Colliery till they were taken over to Chasnala where also they worked under management.

Even assuming that the nine concerned workmen were working as Tyndals under a contractor for the management at Kusunda Colliery till they were taken to Chasnala, Tyndal's work being a work of permanent nature in the colliery for all purposes the nine concerned workmen should be held to be employees under the management. The following observations of Justice Krishna Iyer may be quoted herein below:

"We are in the field of labour jurisprudence, welfare legislation and statutory construction which must have due regard to Part IV of the Constitution. A teleological approach and social perspective must play upon the interpretative process. In the industrial branch of Third World Jurisprudence, based on social justice more contracts are not decisive and a complex of considerations are relevant in deciding the real dispute". See 1978 (II) LLJ, pages 390 and 397 (Royal Talkies, Hyderabad Vs. E.S.I.C., Hyderabad and Hussainbhai, Calicut Vs. Alath Factory Thozhilali Union, Calicut & others). In that view even if it is taken that the nine concerned workmen were working under a contractor still it must be held that the real employer of the mine concerned workmen was the management.

There was some controversy at the time of hearing that the name of one of the nine concerned workmen not having been correctly written in the order of reference sent by the Central Government, the Central Government should have been approached by the union for amendment of the reference without which the same cannot be answered in favour of the workman whose name has been incorrectly written. To meet this case the concerned workman has himself said that there is a mistake in writing his name in the order of reference and that he is the real concerned workman. At the time of hearing argument Mr. Choudhury submits that he does not press the point and therefore I hold that Mukham Rajbhar who is described against serial No. 7 of the Annexure to the reference is a mistake for Mukham Yadav examined as WW-3 before the Tribunal and Mukham Yadav is one of the nine concerned workmen. The nine concerned workmen say that they were working at Chasnala being deputed from Kusunda Colliery till June, 1976. This part of the union's case is not denied by the management which only comes forward with a case on the basis of Exts. M-1 to M-4 that the nine concerned workmen worked for only one day, i.e., 16th January, 1976. I have discarded the authenticity of these documents. Therefore there is nothing to disbelieve the case of the nine concerned workmen that they worked at Chasnala till June 1976. In view of my finding reached above that the nine concerned workmen were departmental workers at the time they were deputed to Chasnala, there is no reason why they should not be reinstated when they returned from Chasnala and wanted to resume duty at Kusunda Colliery. The only case made by the management that they were not departmental workers is not acceptable.

In the result, therefore, I held that the management is not justified in not allowing the nine concerned workmen to resume duty as Tyndals in Kusunda Colliery since 1st July, 1976 when they on their return from Chasnala reported to duty, that the nine concerned workmen including Mukhram Yadav examined as WW-3 are entitled to reinstatement from 1st July, 1976 and that they are entitled to back wages as Tyndals belonging to Cat. IV from 1st July, 1976 till they are actually reinstated on their reporting to duty within a month from the publication of the award. The reference is answered accordingly. There will be no order for costs.

B. K. RAY, Presiding Officer

[No. L-20012/151/78-D.III(A)]

A. V. S. SARMA, Desk Officer

New Delhi, the 20th March, 1981

**S.O. 1129.**—In pursuance of section 17 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employer's in relation to the management of Calcutta Port Trust, Calcutta and their workmen, which was received by the Central Government on the 16th March, 1981.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :  
CALCUTTA.

**Reference No. 82 of 1980**

**PARTIES :**

Employers in relation to the management of Calcutta Port Trust, Calcutta

AND

Their workmen.

**APPEARANCES :**

On behalf of Employers.—Mr. D. K. Mukherjee, Labour Officer.

On behalf of Workmen.—Mr. Anath Bandhu Payn, a Member of the Executive Committee of the Union.  
State : West Bengal Industry : Port & Dock.

**AWARD**

The Government of India by its Order No. L-32011/19/79-D.IV(A) dated 10th October 1980 has sent this reference under Section 10 of the Industrial Disputes Act for adjudication of an industrial dispute between the employers in relation to the management of Calcutta Port Trust, hereinafter referred to as the 'Board' and its workmen represented by the General Secretary, National Union of Waterfront Workers (INTUC), 15, Coal Dock Road, Calcutta, hereinafter referred to as the 'Union'. The dispute is mentioned in the Schedule to the reference, as follows :

"Whether the management in relation to the Calcutta Port Trust, Calcutta are justified in not declaring the Coal handling workers employed under the Controller of Stores permanent with effect from 20th July, 1979 ? If not, to what relief are the concerned workmen entitled ?"

2. In this case, the parties have not filed any written statement. Today both the parties appear with a joint petition of compromise. On the side of the Union appears Mr. Anath Bandhu Payn, a Member of the Executive Committee of the Union duly authorised and Mr. D. K. Mukherjee, the Labour Officer appears on behalf of the Board. Their prayer is that an award may be passed on the basis of a settlement as mentioned in the joint petition.

3. I have gone through the petition. It is signed by Mr. Santosh Kar, the President of the Union, on behalf of the workmen and Mr. D. K. Mukherjee, Labour Officer, on behalf of the Board. The terms of settlement have been mentioned in the petition under quotation taken from a memorandum of settlement arrived at between the parties on 21-10-1980, which has been marked annexure 'A' to the petition. I find that the terms are legal, reasonable and voluntary. The copy of the memorandum of settlement which has been marked annexure 'A' to the petition is redundant in view of the fact that the terms of settlement have been repeated in the joint petition of compromise.

4. As prayed for by the parties, I pass an Award in terms of the joint petition of compromise dated 10th February 1981 filed today which shall form part thereof as Annexure 'X'.

5. Annexure 'A' to the petition being redundant need not be a part of it.

Dated, Calcutta, the 9th March, 1981.

R. BHATTACHARYA, Presiding Officer

[No. L-32011/19/79-D.IV(A)]

**ANNEXURE 'X'**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, CALCUTTA**

**In the matter of Reference No. 82 of 1980**

**AND**

In the matter of Government of India, Ministry of Labour, order No. L-32011/19/79-D.IV(A) dated 10-10-1980.

**AND**

In the matter of Notice of the Secretary to the Court, Central Government Industrial Tribunal, Calcutta bearing No. Ref. 82/80/1794 dated 10-12-1980.

**AND**

In the matter of Industrial Disputes.

**BETWEEN**

The employers in relation to the management of Calcutta Port Trust, Calcutta.

**AND**

Their workmen

Represented by National Union of Waterfront Workers (INTUC), 15, Coal Dock Road, Calcutta-700043.

Humble petition of the Applicants, employers in relation to the management of Calcutta Port Trust, Calcutta and the workmen represented by the National Union of Waterfront Workers (hereinafter referred to as the 'Board' and the 'Union' respectively in the matter).

Most Respectfully Sheweth:

1. That your petitioners submit that the Government of India, Ministry of Labour under order No. L-32011/19/79-D.IV(A) dated 10-10-80 referred to the Hon'ble Tribunal the dispute in respect of the matter specified in the Schedule below:

**SCHEDULE**

"Whether the management in relation to the Calcutta Port Trust, Calcutta are justified in not declaring the Coal handling workers employed under the Controller of Stores permanent with effect from 20th July, 1979 ? If not, to what relief are the concerned workmen entitled ?"

2. That your petitioners submit that the Secretary to the Court, Central Government Industrial Tribunal, Calcutta under Notice No. Ref. 82/80/1794 dated 10-12-80 directed to submit the respective Written Statements relating to the above dispute to the Hon'ble Tribunal on or before 21-1-81.

3. That your petitioners submit that the Union under its letter No. NU/10/7247/80 dated 16-8-80 served on the Chairman of the Board a strike notice in respect of workmen categorised as Tindal/Ex, Supervisor, Tindal and Coal Porters attached to the Controller of Stores and enclosed along with the said notice a list of demands, the item No. 1 of which read as follows:

"1. Confirmation/Permanent in their services.

The confirmation of the concerned workers are over due. They have already completed 2 years regular services and performing permanent nature of job as such there is no reason to keep them temporary and deprived them of the benefit/benefits of permanent workers."

4. That your petitioners submit that following the strike notice, conciliation proceedings were held before the Assistant Labour Commissioner (Central), Calcutta in respect of the demands raised by the Union. The said conciliation proceedings having failed, the Assistant Labour Commissioner (Central) submitted his report on failure of conciliation to the Secretary to the Government of India, Ministry of Labour under his letter No. 8/109/80-ALC.III dated 29-9-80. The matter was thereafter referred to the Hon'ble Tribunal for adjudication by the Ministry of Labour.

5. That your petitioners submit that the number and categories of workmen involved in the matter specified in the above schedule are as follows:—

- (a) Tindal (ex-supervisory)—2
- (b) Tindal—9
- (c) Porters—52

6. That your petitioners submitted that the Coal handling workers led by the Union launched a strike with effect from 20-9-80 to pursue its demands set out in the enclosure to the strike notice. The matter was thereafter taken up in conciliation by the Assistant Labour Commissioner (Central), Calcutta and the strike was ultimately called off following signing of a memorandum of settlement on 21-10-80. The terms of the said settlement are as follows:—

"It is agreed by the parties that:—

1. Confirmation of the 52 coal handling porters, 9 (Nine) coal handling Tindals and 2 Tindals (ex-supervisory) will begin from 1-1-1981 and will be completed by 31-7-1981.
2. All the concerned workmen shall be entitled to uniforms with effect from 1-11-1980.
3. All the concerned workmen shall be granted P.T.O. benefits with immediate effect.
4. All the concerned workmen shall be allowed to become members of the Non-contributory Provident Fund with immediate effect.
5. All the concerned workmen shall be granted loan from the Class IV Staff Loan Fund as per rules.
6. All the concerned workmen, except the 2 Tindals (ex-supervisory), shall be provided with 500 grams of soap per month from November, 1980.
7. All the concerned workmen shall be entitled to Children's Education Allowance/Reimbursement of Tuition Fee from October, 1980.
8. The 'Bitha' allowance of the concerned workmen, except for the 2 Tindals (ex-supervisory), shall be enhanced from Rs. 1.50 paise to Rs. 5.00 per month with effect from 1-1-1978.
9. All the concerned workmen shall be entitled to Washing allowance at the rate of Rs. 5.00 per month from November, 1980.
10. All the concerned workmen will resume duty with immediate effect.
11. The question of withdrawal of the show-cause notice issued to the concerned workmen will be considered favourably after they have resumed duty.
12. The parties shall send report on implementation of term No. 1 by 15-8-81 and rest of the terms by 15-11-80 to the Assistant Labour Commissioner (Central), Calcutta-III, failing which it will be treated as implemented."

Five copies of the memorandum of settlement dated 21-10-80 appear as Annexure 'A' to the petition.

7. That your petitioners submit that the reference before the Hon'ble Tribunal may kindly be disposed of in terms of the above compromise.

Under the circumstances, your petitioners most humbly pray that your Honour would be graciously pleased to consider the matter in terms of the above settlement and give an award accordingly.

471GI/80—7

And for this, your petitioners as in duty bound shall ever pray.

Sd/-

D. K. MUKHERJEE, Labour Officer.  
Calcutta Port Trust.

Witness:

Sd/-

- 1. Sd/- S. Nandy.
- 2. M. A. Parekh.

Sd/-

SANTOSH KAR, President of the Union.  
National Union of Waterfront Workers.

Witness:

- 1. Sd/- Hari Basant Singh, Secretary.

Sd/-

- 2. Makhnial Dhar, Committee Member.

Calcutta, the 10th February, 1981.

S.O. 1130.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust, Calcutta and their workmen, which was received by the Central Government on the 16th March, 1981.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Reference No. 83 of 1980.

#### PARTIES :

Employers in relation to the management of Calcutta Port Trust, Calcutta.

AND

Their workmen.

#### APPEARANCES :

On behalf of Employers.—Mr. D. K. Mukherjee, Labour Officer.

On behalf of Workmen.—Mr. Satyan Das, Secretary.

STATE : West Bengal. INDUSTRY : Port and Dock.

#### AWARD

The Government of India by its Order No. L-32012/17/80/DIV(A), dated 8th October, 1980 has sent this reference under Section 10 of the Industrial Disputes Act for adjudication of an industrial dispute between the employers in relation to the management of Calcutta Port Trust, hereinafter referred to as the 'Board' and its workmen represented by the General Secretary, National Union of Waterfront Workers (INTUC), 23/1, Joy Krishna Paul Road, Calcutta-700023 hereinafter referred to as the 'Union'. The dispute is mentioned in the Schedule to the reference, as follows :

"Whether the management in relation to Calcutta Port Trust, Calcutta are justified in deducting full wages for the period of sickness from 26th December 1979 to 15th January 1980 from Shri Jyotish Das, USL, D.B.M. Section of Chief Mechanical Engineer's department. If not, to what relief is the concerned workman entitled?"

2. In this case, the parties have not filed any written statement. Today both the parties appear with a joint petition of compromise. On the side of the Union appears Mr. Satyan Das, Secretary of the Union and Mr. D. K. Mukherjee, the Labour Officer appears on behalf of the Board. Their prayer is that an award may be passed on the basis of a settlement as mentioned in the joint petition.

3. I have gone through the petition. It is signed by Mr. Nirmal Dasgupta, General Secretary of the Union, on behalf of the workmen and Mr. D. K. Mukherjee, Labour Officer, on behalf of the Board on 4th March, 1981. The terms of settlement have been mentioned in the petition. Some documents are made annexures to the petition mentioned as annexure A to E. They are not necessary for the passing of the award.

4. As prayed for by the parties, I pass an Award in terms of the joint petition of compromise dated 4th March, 1981 filed today which shall form part hereof as Annexure 'X', excluding the annexures A to E to the petition.

R. BHATTACHARYA, Presiding Officer.

Dated, Calcutta, [No. L-32012/17/80-D.IV(A)]  
The 9th March, 1981. NAND LAL, Desk Officer.

ANNEXURE 'X'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, CALCUTTA

AND

In the matter of Reference No. 83 of 1980.

In the matter of the Government of India, Ministry of Labour, Order No. L-32012/17/80-D.IV(A), dated 8th October, 1980.

AND

In the matter of the Notice of the Secretary to the Court, Central Government Industrial Tribunal, Calcutta, bearing No. Ref. 83/80/1799, dated 11th December, 1980.

AND

In the matter of Industrial Dispute.

BETWEEN

The Employers in relation to the management of Calcutta Port Trust.

AND

Their Workmen

Represented by the National Union of Waterfront Workers (INTUC), 23/1, Joy Krishna Paul Road, Calcutta-700023.

Humble petition of the Applicants—employers in relation to the management of Calcutta Port Trust, Calcutta and the workmen represented by the National Union of Waterfront Workers (hereinafter referred to as the 'Board' and the 'Union' respectively in this matter).

Most Respectfully Sheweth :

1. That your petitioners submit that the Ministry of Labour, Government of India, under Order No. L-32012/17/80-D.IV(A) dated 8th October, 1980 referred the following dispute to the Hon'ble Tribunal for adjudication;

#### SCHEDULE

"Whether the management in relation to Calcutta Port Trust, Calcutta are justified in deducting full wages for the period of sickness from 26th December, 1979 to 15th January, 1980 from Shri Jyotish Das, USL, D.B.M. Section of Chief Mechanical Engineer's Department? If not, to what relief is the concerned workmen entitled?"

2. That your petitioners submit that the Secretary to the Court, Central Government Industrial Tribunal, Calcutta under Notice No. Ref. 83/80/1799 dated 11th December, 1980 directed to submit the respective Written Statements relating to the above dispute to the Hon'ble Tribunal on or before 21st January, 1981.

3. That your petitioners submit that Shri Jyotish Das, U.S.L., Dock Basin Machinery Section of Chief Mechanical Engineer's Department was charge sheeted, and pending enquiry into the charges was also suspended from pay and duty

along with 3 other workmen of the same section, namely, Sarbashri Kamalakanta Chakraborty, Capstan Khalasi, Hari Kumar Nath, Capstan Khalasi and Debendra Nath Das Capstan Khalasi. Shri Jyotish Das was suspended from pay and duty under order of the Chief Mechanical Engineer bearing No. Dis./38/79/C/26126, dated 21st December, 1979 and was charge sheeted under order No. Dis./38/79, dated 21st December, 1979 (copies of the said orders of suspension and charge sheet dated 21st December, 1979 appear collectively as Annexure 'A' to this petition). The orders of suspension and charge sheets in respect of these four workmen were received by the Engineer-in-Charge, Dock Basin Machinery Section in the late hours of 24th December, 1979 for servicing them to the concerned workmen. Since Shri Das was not readily available on that day, the order of suspension was sent to the local address of Shri Das by registered post under postal receipt No. 5423. On 11th January, 1980, Shri Das submitted an application to the Chief Mechanical Engineer praying revocation of the order of suspension (a copy of the application dated 11th January, 1980 appears as Annexure 'B' to this petition). Similarly, other three workmen also submitted separate applications on the date for revocation of suspension orders.

4. That your petitioners submit that Shri Jyotish Das was on roster off-day on 25th December, 1979 and on and from 26th December, 1979 to 15th January, 1980 he was declared unfit by the Board's Medical Officer. Shri Das stated that he did not receive the order of suspension issued by the Chief Mechanical Engineer.

5. That your petitioners submit after the issuance of orders of suspension by the Chief Mechanical Engineer, Shri Subrata Mukherjee, President of the Union had discussions with the Chairman of the Board and requested for withdrawal of the suspension orders in consideration of good Labour management relationship in the Dock Basin Machinery section. Thereafter, the orders of suspension in respect of these workmen were withdrawn under order of the Chief Mechanical Engineer dated 12th January, 1980. The three workmen, namely, Sarbashri Chakraborty, Nath and Das resumed their duties with effect from 12th January, 1980. Shri Jyotish Das, being unfit up to 15th January, 1980, resumed his duties with effect from 16th January, 1980.

6. That your petitioners submit that Shri Nirmal Dasgupta, General Secretary, National Union of Waterfront Workers, under his letter No. NU/Crew/72/80, dated 2nd February, 1980 raised a dispute before the Assistant Labour Commissioner (C) Calcutta, demanding that the period of suspension in respect of Shri Jyotish Das, i.e. from 26th December, 1979 to 15th January, 1980 should be treated as on leave on medical ground (A copy of the letter dated 2nd February, 1980 appears as Annexure 'C' to this petition). The Conciliation proceeding having failed, the Assistant Labour Commissioner (Central), Calcutta submitted his report to the Ministry on failure of Conciliation under letter No. 8/28/80-ALC.II dated 10th June, 1980. Thereafter, the matter was referred by the Ministry to the Hon'ble Tribunal for adjudication.

7. That your petitioners submit that the enquiry into the charges framed under order of the Chief Mechanical Engineer dated 21st December, 1979 against Shri Jyotish Das and three others commenced on and from 7th April, 1980. Shri Nirmal Dasgupta, General Secretary of the Union, at this stage, submitted a letter to the Chief Mechanical Engineer bearing No. NU/42/25/80, dated 12th May, 1980 (Copies of the letter dated 12th May, 1980 and its enclosures appear collectively as Annexure 'D' to this petition). Thereafter, the four charge sheeted workmen, including Shri Jyotish Das was exonerated from the charge framed against them and the Chief Mechanical Engineer issued his orders to that effect on 26th May, 1980 (A copy of the order of the Chief Mechanical Engineer dated 26th May, 1980 appears as Annexure 'E' to this petition).

8. That your petitioners submit that it was mutually agreed in respect of all the four charge sheeted workmen, that the respective period of their suspension would be treated as per ordinary leave rules and the stigma of suspension and all the adverse consequences following therefrom would also be removed.

9. That your petitioners submit that following the above arrangement, the concerned workmen, Shri Jyotish Das, the Union and the Board agreed to treat the period from 26th December, 1979 to 15th January, 1980 under ordinary leave rules and it was also agreed to charge the leave salary for the said period in the salary bill payable on 16th September, 1980.

10. That your petitioners submit that Shri Jyotish Das received the leave salary for the period from 26th December, 1979 to 15th January, 1980 through the salary bill on 16th September, 1980 in full and final settlement of his demand in this respect.

12. That your petitioners submit that the above reference before the Hon'ble Tribunal may kindly be disposed in terms of the above compromise.

Under the above circumstances, your petitioners most humbly pray that your Honour would be graciously pleased to pass an award in terms of the settlement arrived at between the parties.

And for this, your petitioners as in duty bound shall ever pray.

Sd/-

(D. K. Mukherjee),  
Labour Officer,  
Calcutta Port Trust.

Sd/-

Nirmal Dasgupta, Genl. Secy.  
National Union of Waterfront Workers,

Witness :

Sd/-

(1) S. Kundu

Sd/-

(2) R. K. Dutta.

Calcutta, Dated this 4th Day of March 1981.

नई दिल्ली, 23 मार्च, 1981

क्र.आ. 1131.—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री दिलीप दास को मुख्य खान निरीक्षक के अधीन खान निरीक्षक के रूप में नियुक्त करती है।

[सं. ए-12025/2/79-एम-1]

ज. के. जैन, अवर सचिव

New Delhi, the 23rd March, 1981

S.O. 1131.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Dilip Das as Inspector of Mines subordinate to the Chief Inspector of Mines.

[F. No. A-12025/2/79-M.1]

J. K. JAIN, Under Secy.

New Delhi, the 27th March, 1981

S.O. 1132.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Central Government Industrial Tribunal, Hyderabad, A.P. in the industrial dispute between the employers in relation to the management of Sree Kalyanarama Mica Mine, Kalichedu, Nellore District and their workmen, which was received by the Central Government on the 6th March, 1981

# BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Dispute No 17 of 1978.

BETWEEN

Workmen of Sree Kalyanarama Mica Mine, Kalichedu,  
Nellore Dist. (A.P.)

AND

The Management of Sree Kalyanarama Mica Mine,  
Kalichedu, Nellore District.

## APPEARANCES :—

1. Sri P. Ramakotaiah, President, Andhra Pradesh, Mica Labour Union, Gudur and Sri T. S. Rama Rao, President, Bharatiya Mazdoor Sangh for Workmen.

2. Sri D. Gopala Rao, Member of the Andhra Pradesh Federation of Chamber of Commerce and Industry for the Management.

## AWARD

Under Sections 7A and 10(1)(d) of Industrial Disputes Act, 1947, the Government of India, Ministry of Labour referred to this Tribunal the following dispute between the Workmen and the Management of Sree Kalyanarama Mica Mine, Kalichedu, Nellore District (A.P.) by its Letter No. L-28011(4)/76-DIVB/DIIB, dated 31-5-1978 :—

## SCHEDULE

'Whether the action of the Management of Kalyanarama Mica Mine, Kalichedu, Nellore District (A.P.) in retrenching the following 29 (Twenty-nine) workmen with effect from 6th October, 1976 is justified? If not, to what relief the workmen are entitled?'

1. Yeliboyena Subramahyam	Mucker
2. Doragallu Ragaiah	"
3. Gungi Venkaiah	"
4. Darsi Ragaiah	"
5. Kuni Masthanaiah	"
6. Vakati Pedda Bujjiah	"
7. Vakati Chinabujjiah	"
8. Adusalapalli Peda Ankaiah	Driller
9. Kuncham Adaiah	"
10. Manda Tellaiah	"
11. Syed Khasim	"
12. Desireddy Mastanreddy	"
13. Achi Thirpalu	"
14. Boddu Rathaniah	"
15. Balipalem Venkataswamy	"
16. Shaik Masthan	Underground Mazdoor
17. Chouduboina Subbaiah	"
18. Eriboina Panchalaiah	"
19. Nukalapati Venkaiah	"
20. Manda Nagaiah	"
21. Manda Peda Ragaiah	"
22. Thadi Narasaiah	"
23. Kuncham Vemaiah	"
24. Darsi Ragaiah	"
25. Padi Krishnaiah	"
26. Polur Subbaiah	"
27. Pancheti Ramanaiah	"
28. Gandham Mohan Rao	"
29. Md. Jalleel	"

2. The case of the workmen referred to in Serial Nos. 8 to 23 and 25 to 29 in the reference is briefly as follows :—

These workers and some others were retrenched by the Respondent-Management on 6-10-1976 for no fault of theirs. Then they filed a joint petition before the Assistant Labour Commissioner (Central), Vijavada. He conducted conciliation proceedings and the same failed. Later, except the persons referred to in serial Nos. 13, 22 and 26 in the reference, the others were reinstated on different dates, As

their retrenchment was illegal and as they were not taken into service immediately, they had undergone much trouble and sufferings during that period. During the said period they incurred heavy debts. Hence they pray for reinstatement of the workers referred to in Serial Nos. 13, 22 and 26 in the reference, and for back wages for all.

3. The case of workmen referred to in Serial Nos. 1 to 7 is briefly as follows :—The Respondent did not follow the provisions of I.D. Act and rules thereunder and retrenched senior workers, leaving juniors unaffected. The Respondent failed to prove fall in production in the years 1971 to 1976 in support of retrenchment before Conciliation Officer. The Respondent laid off the factory workers of the mine along with the mine workers in October, 1976 but lifted the lay off in November, 1976. The lifting of the lay-off of the factory workers shows that the intention of the retrenchment of mine workers is not bonafide and it is illegal. Thus the retrenchment of these workers is illegal and hence they are entitled to back wages from the date of retrenchment till the dates on which they were reinstated.

4. The case of the Management is briefly as follows :—The Respondent is a partnership firm and it is operating the mine in question since 1962 after obtaining the transfer of lease to it. Even by the time of the said transfer, this mine worked in two shifts—the first shift was from 6 A.M. to 2 P.M. and the second shift was from 2 P.M. to 10 P.M. The production of mica in this mine suddenly fell from 5,31,582 Kgs of the year 1972 to 3,30,353 Kgs. in 1973. The working point happened to be either barren or scarce in concentration of mica. Periodically prospecting pits were opened with great hopes but they had to be abandoned as they proved almost barren. The result was that in the years 1974 and 1975, the production came down nearly to 3,00,000 Kgs. In 1976 the production was most discouraging and the monthly production in September, came down to 4,428 kgs. The total production from January 1976 to September 1976 was only 1,51,626 Kgs. and at that rate the annual production would not reach even 2,00,000 Kgs. Further while there was heavy fall in production, the cost of output rose from Rs. 8,85,000 in 1972 to Rs. 10,31,000 in 1975 and it continued to rise in 1976 despite low production. Hence the Respondent was continuously sustaining heavy losses. So when the Respondent was confronted with heavy fall in production and ever growing cost of output, and when the production in September, 1976 was abnormally low, it decided that, as an immediate measure, one shift should be abolished and mine should work with only one shift from 6-10-1976. As a result of the abolition of one shift, the Respondent had to retrench 9 Drillers, 24 Underground Mazdoors, 3 Blasters, 5 engine drivers Class II and one turner and the workmen referred to in this reference are some such retrenched workers. When the situation improved, the Respondent admitted all the workers mentioned in the reference by stages recommended by the Union excepting the workers referred to at Serial Nos. 13, 22 and 26 in this reference as they did not present themselves for work and two of them left the area and they are working elsewhere. Retrenchment was made as per the provisions of I.D. Act, 1947. Seniority list of workers was displayed prominently in front of the office on and from 20th September, 1976. Notice of retrenchment was served to every worker and one month's wages in lieu of one month notice was paid to every worker as per Section 25F(a) of I.D. Act. They were not paid retrenchment compensation as per Section 25F(b) of I.D. Act as they are not eligible for the same. The Respondent sent notice in Form 'P' on 7-10-1976 to Secretary to the Government of India, Ministry of Labour, New Delhi with copies to Assistant Labour Commissioner (Central), Vijayawada, Regional Labour Commissioner (Central), Hyderabad, and Employment Officer, Employment Exchange, Nellore as stipulated in Section 25F(c) of I.D. Act. Thus when the action of the Respondent in retrenching the workmen was for good cause, and as all the provisions of I.D. Act were complied, and as the fact that most of these workers were taken back into service even before the second shift was restored and thus it showed bonafides of the Management, these workmen are not entitled to claim back wages.

5. It was urged for the Petitioners as follows :—The principle of 'last come, first go' as per Section 25G of I.D. Act was not followed in retrenching these workmen. While some of the juniors of these workmen were allowed to continue in service, these workmen were retrenched. They are entitled to retrenchment compensation as per Section 25F(b) of I.D. Act and as it was not paid, the order of their retrenchment is void. As some of these workmen are leaders and as they demanded for implementation of the revised wages and for making their services permanent, the Respondent had chosen to retrench them even though there was no appreciable change in production. Seniority list, as contemplated under Rules 77 of Central Rules of I.D. Act, was not affixed to the notice board and on that basis also, the retrenchment is not valid, the permission under Section 9A of I.D. Act was not obtained in abolition of the shift and hence the abolition of the shift is not valid and consequently the retrenchment which is said to be on the basis of the said abolition of the Respondent is not valid.

6. So the points for consideration are :—

- (1) Whether there was justification for retrenchment ?
- (2) Whether there are any malafides on the part of the Respondent-Management in retrenching these workmen ?
- (3) Whether seniority rule was not followed in retrenching the workmen ?
- (4) Whether seniority list was not affixed as contemplated under Rule 77 of Central Rules framed under I.D. Act, and if it is not affixed, the order of retrenchment is invalid ?
- (5) Whether the Petitioners are entitled to retrenchment compensation ?
- (6) Whether permission under Section 9A of I.D. Act has to be obtained for abolition of the shift, if so, whether the order of retrenchment of the petitioners is invalid, when such permission is not obtained ?
- (7) To what relief ?

7. Points 1 & 2 :—Ex. M1 statement was filed to show the fall in production from 1972 to 1975 and gradual increase in cost of output and the losses sustained by the Respondent-Management from 1972 to 1975. It also shows sudden fall in production in September, 1976. M.W. 1 deposed that he prepared the above statement on the basis of the production registers maintained by this mine and he brought the originals of the production registers for 1976. M.W. 1 was not questioned in regard to Ex. M1 statement. It was only suggested to him that there was increase in cost of mica by 60 per cent in 1972. M.W. 1 stated that this Management applied for extension of lease with the hope that there might have been sufficient deposits in the mine. Thus it can be stated that the Respondent proved that there was fall in production and there was steep fall in production in September, 1976.

8. It is true that when there was fall in production from 1972, the Respondent had taken the step of retrenchment in October, 1976. So it has to be seen whether there are any malafides on the part of the Respondent in ordering retrenchment. In the claims statement it was not alleged that as the workers demanded for implementation of revised wages and for making their services permanent, the Respondent-Management resorted to this sort of retrenchment. In fact W.W. 1 the first witness for the workmen deposed in the cross-examination that there was no personal animosity as such between them and the Management. He had not stated anything to infer malafides on the part of the Management in retrenching them.

9. Of course other witnesses for workmen who were examined later referred to such animosities. It may be noted that when in March, 1976 this Management engaged 45 workers from Tamil Nadu. Some of the workers of this Management made a representation to the concerned labour authorities, and the concerned authority held conciliation proceedings as can be seen from Ex. W15. Ultimately there was a settlement and some of the employees were made permanent w.e.f. 23-8-1976 as can be seen from Ex. W20

dated 7-8-1976. So when the earlier demand to make services of some of the employees permanent was already settled, it cannot be stated that in view of the said demand, the Respondent retrenched these workmen.

10. Except the assertions by the witnesses for the workmen, there is no material to indicate that there was a demand for implementation of revised wages. So when it was not even pleaded, the contention in regard to the same can be treated as baseless. So no material is placed to show that the act of retrenchment on the part of the Respondent Management is a mala fide one. On the other hand it was rightly urged for the Respondent Management that if it is a case of unfair labour practice, the Respondent Management would not have reinstated these workmen in stages as suggested by the workers union even before the second shift was commenced. Of course it is a case of obtaining the extension of lease for twenty years even though there were continuous losses from year to year. But M.W.1 stated that with a hope that there might be concentration of deposits of mine in this area, such extension was obtained. So on the basis of that extension, it cannot be stated that the contention for the Respondent Management, that there was fall in production cannot be accepted.

11. Hence I find these two points in favour of the Respondent Management.

12. Point 5 :—Under Section 25F of I.D. Act, a workman is entitled to retrenchment compensation if he has been in continuous service for not less than one year. Under Section 25B(2)(a) a workman is said to be in continuous service for a period of one year, if he, during a period of twelve calendar months preceding the date of the reference to which calculation has to be made, has actually worked under the employer for not less than 190 days in case of a workman employed below ground in a mine.

13. These workmen were retrenched with effect from 6-10-1976. Exs. M6 and M8 statements were filed to show that these workmen worked for less than 190 days during a period of twelve calendar months preceding 6-10-1976. M.W. 1 deposed that he prepared those statements on the basis of Exs. M4 and M3 payment registers from 1-1-1976 and other registers. He also deposed that 'B' registers from 1973 to 1975 are not available as they were destroyed in 1979 cyclone.

14. Exs. M4 and M3 payment registers show the various dates on which these workmen worked in this mine from 1-1-1976. The registers for the period from 7-10-1975 to 31-12-1975 are not available. The total period from 7-10-1975 to 31-12-1975 comes to 86 days. Even after perusing Exs. M4 and M3 registers, it was not stated for the Petitioners that they worked for 104 days or more from 1-1-1976. So when these Petitioners worked for less than 104 days from 1-1-1976. Then even assuming that they worked on all the days from 7-10-1975, it cannot be stated that their total period of service during the relevant one year was for 190 days or more. Hence it can be stated that these Petitioners are not eligible for retrenchment compensation even though they worked with breaks in service for number of years prior to 1-1-1976.

15. Hence there is no need to consider the evidence as to from what date each of these Petitioners joined service in this mine. For the same reason there is no need for me to consider as to whether in fact the registers prior to 1-1-1976 were destroyed in cyclone as contended for the Respondent.

16. In the result, I find this point against the workmen.

17. Point 3 :—It was urged for the Management that continuity of service was taken as the basis for fixing the seniority. It was urged for the workmen that the date of first appointment should be taken as the basis in fixing the seniority. When there is no standing order in regard to the same, the fixation of seniority by taking continuous service as basis cannot be treated as unjust or unreasonable.

18. W.W. 1 deposed in cross examination that junior workers are retrenched and the seniors are retained. Of course in re-examination he stated that there are certain unretrenched employees working in the mine whose total service is

less than his. But I already observed that when continuity of service is taken as the basis, then even though W.W. 1 had more service than the services of the unretrenched employees, it cannot be stated that 'rule of first come last go' not followed, when continuity of service was taken as the basis in fixing the seniority.

19. W.W. 3 deposed on 15-5-1980 that the persons referred to by him in his chief examination are some of his juniors. It may be noted that while W.W.1 and W.W.2 were examined on 3-2-1979, W.W. 3 was examined on 15-5-1980. Anyhow no material is placed to show that the persons mentioned by W.W. 3 are juniors to him, if continuity of service is taken as the basis. Hence I find that no material is placed to show that the rule of 'last come, first go' was not observed by the Respondent Management in retrenching its employees on 6-10-1976.

20. Point 4 :—M.W. 1 deposed that seniority list was affixed as contemplated under Rule 77 of Central Rules framed under I.D. Act and he denied the suggestion that it was not so affixed. In Ex. M11 dated 6-10-1976 it was stated that seniority list of the workers was prepared and displayed at the entrance of the office on and from 15-9-1976. It is a copy of the notice sent to the Secretary to Government of India, Ministry of Labour, New Delhi under Clause (c) of Section 25F of I.D. Act. So in view of the same, and as M.W.1 had no need to come up with a false case in regard to the same, the case of the Respondent that the seniority list was prepared and displayed as contemplated under Rule 77 of Central Rules framed under I.D. Act can be believed and I find accordingly.

21. The question whether it is necessary to send such a notice under Section 25F(c) need not be considered for the purpose of this case. I held that none of the Petitioners is entitled to retrenchment compensation under Section 25F of I.D. Act. It may be noted that besides these Petitioners, some more also were retrenched and some of them might have been given retrenchment compensation and hence such a notice might have been sent. Anyhow there is no need to consider that aspect as it is not having any bearing for disposal of this case.

22. As the seniority list was affixed in this case, there is no need to consider as to whether the order of retrenchment would have been invalid if it was not affixed and hence I am not considering about the same.

23. Point 6 :—Under Section 9A of I.D. Act, no employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change, without giving to the workman likely to be effected by such a change, a notice in the prescribed manner of the nature of the change proposed to be effected or within twenty one days of giving such notice. There is no need to refer to the proviso to the above Section for the purpose of this case.

24. Item 6 of Fourth Schedule of I.D. Act is as follows :—  
'Starting, alteration or discontinuance of shift working otherwise than in accordance with standing orders'.

25. It was urged for the workmen as follows :—Discontinuance of 'shift working' means discontinuance of shift and as one of the two shifts is discontinued in this case, it comes under the above item. So it is a case of changing the conditions of service as contemplated under Section 9A of I.D. Act. As the requisite notice of 21 days before the discontinuance of the shift is not given, the said discontinuance is not valid. As the retrenchment is in consequence of such illegal discontinuance, it is also invalid and hence it has to be set aside.

26. But it was urged for the Respondent Management as follows :—No such plea was taken in the claims statement and that point was urged for the first time during the course of arguments. The discontinuance of 'shift working' means discontinuance of 'shift system'. So the discontinuance of the



shift for want to work does not come under Item 6 of Schedule 4. Further it is a case of retrenchment for want of work, and consequent upon the retrenchment, the shift was discontinued and it is not vice versa. So the retrenchment is not illegal. Further the plea in regard to the change in the conditions of service can be taken only by persons in service, but not by the persons who ceased to be the employees and in support of the said contention 1963(1) L.J. page 212 (Manu v. Aspinwal & Co.) is referred.

27. It is true that this plea was not raised in the claims statement. But when it is clearly a question of law, the Tribunal can consider such a plea even if it was raised at a very late stage. In this case it was admitted that no reference was made about shift system in the by-laws. So it is a case of mere interpretation of Item 6 of Schedule 4 and Section 9A of I.D. Act.

28. Admittedly before this retrenchment, there were two shifts. After this retrenchment, all the employees attended to the mining operations in this mine at a time. So it is a case of abolition of shift system. The discontinuance of shift working referred to in the above item can only be, in regard to the discontinuance of 'shift system'. Starting of shift working can only be starting of shift system. So when one shift out of two shifts was abolished, then it can only be said that shift system was abolished. So the case of the workmen that abolition of the shift comes within the scope of Item 6 of Fourth Schedule can be accepted.

29. It is immaterial whether the said discontinuance is due to paucity of work or otherwise and hence the case of the Management that abolition of the shift due to want of work does not come within the scope of the above item cannot be accepted.

30. 1963 (1) L.J. page 212 (Manu v. Aspinwal & Co.) referred to is a case arising under Section 33 of I.D. Act. While dealing with it, it was held that Section 33(1)(a) or 2(a) of I.D. Act can be invoked only by an employee in service but not by one who ceased to be an employee. But it may be noted that even therein it was observed that if there has been a wrongful termination of discharge of a particular workman, the remedy is elsewhere, that is by way of reference under Section 10 of I.D. Act. Now it is contended for the workmen that abolition of the shift without issue of the notice as per Section 9A is illegal. Section 9A does not show that the plea thereunder cannot be raised by an employee who is out of service. So in a reference under Section 10 of I.D. Act, there is no bar for an employee out of service to question the legality of the order of retrenchment for want of notice under Section 9A of I.D. Act and hence the contention for the Management in regard to the same is negatived.

31. Hence I find that the order of retrenchment of all these workmen is illegal for want of notice under Section 9A of I.D. Act.

32. Point 7 :—It may be noted that except the persons referred to in Serial Nos. 13, 22 and 26 the rest were reinstated from 18-2-1977. So in regard to the other workmen, the question is as to whether they should be given back wages from the date of retrenchment till the dates on which they were reinstated as I held that the order of retrenchment is illegal for want of notice under Section 9A of I.D. Act.

33. It may be noted that the Respondent Management resorted to this retrenchment as sufficient mineral was not found in this mine by then. The non-issue of notice as contemplated under Section 9A might be due to the ignorance of Item 6 of Fourth Schedule of I.D. Act. Even for workmen the said plea was raised only at the stage of arguments. The Management admitted these workmen from 18-2-1977 in stages as suggested by the union even though there was no work for second shift from that time.

34. It may be further noted that one month's notice pay was paid to these workmen at the time of retrenchment. So when retrenchment had come into effect from 6-10-1976 it has to be held that they were paid upto 6-11-1976.

35. It was further represented for the Management that some of these workmen were reinstated subsequent to

18-2-1977 as they did not turn up on 18-2-1977 itself and they were reinstated as and with they reported. So in the circumstances, it is proper to order 50 per cent of back wages from 6-11-1976 till 17-2-1977 to all these workmen, other than the workmen referred to in Serial Nos. 13, 22 and 26.

36. It is stated that workmen referred to in in Serial Nos. 22 and 26 were not reinstated as they had left this place and as they had not reported. So it was not proper to allow back wages to the above two workmen.

37. The workman referred to in Serial No. 13 is examined as W.W. 2. He stated that he joined as Blaster in the project near Visakhapatnam in January, 1977. He denied the suggestion that as he was re-employed, he did not approach the Management with any such request. Anyhow if he is interested in joining this mine, he should be given an opportunity to do so, and it is proper to give a time limit of one month from the date of publication of this award to decide as to whether he intends to join this mine. If he reports to this Management within that period, he has to be reinstated. In such a case, he may be given 50 per cent of the back wages from 6-11-1976 to 15-1-1977 and I find accordingly (As W.W. 2 deposed that he was employed at Vizag in January, 1977 but as he had not stated the exact date, 15-1-1977 is taken as date upto which 50 per cent back wages is ordered).

38. In the result, I find that the action of the Management of Kalyanarama Mica Mine, Kalichedu, Nellore District (A.P.) in retrenching 29 workmen as mentioned in the schedule with effect from 6th October, 1976 is not justified. Workmen referred to in Serial Nos. 1 to 12, 14 to 21, 23 to 25 and 27 to 29 have to be given 50 per cent of the back wages from 6-11-1976 till 17-2-1977. Serial Nos. 22 and 26 are not entitled to reinstatement or back wages. Serial No. 13 has to be reinstated if he reports to this Management within one month from the date of publication of his Award in the Gazette, and if he is reinstated he should be given 50 per cent of the back wages from 6-11-1976 till 15-1-1977.

39. Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 9th day of February, 1981.

V. NEELADRI RAO, Presiding Officer.

[No. L-28011/4/76-DIH(B)]

K. K. HANDA, Under Secy.

#### APPENDIX OF EVIDENCE

##### Witnesses Examined

##### For Workmen :

- W.W. 1 Shri B. Venkata Swamy
- W.W. 2 Shri A. Thirupalu.
- W.W. 3 Shri Y. Subramaniam.
- W.W. Shri K. Mastanaiah.

##### For Management :

- M.W. 1 C. S. Sastry.

##### Documents Exhibited for the Workmen :

- Ex. W1 10-4-72—Appointment order dt. 10-4-72 issued by the Management of Sree Kalyana Rama Mica Mine, Kalichedu to Sri B. Venkata Swamy from 10-4-72 to 31-7-72.
- Ex. W2 6-11-72—Appointment order dt. 6-11-72 issued by the Agent Sree Kalyanarama Mica Mine, Kalichedu to Sri B. Venkata Swamy from 6-11-72 to 12-1-73.
- Ex. W3 25-1-73—Appointment order dt. 25-1-73 issued by the Agent, Sree Kalyana Rama Mica Mine Kalichedu to Sri B. Venkata Swamy from 25-1-73 to 30-4-73.
- Ex. W4 4-5-73—Appointment order dt. 4-5-73 issued by the Agent, Sree Kalyana Rama Mica Mine, Kalichedu to Sri B. Venkata Swamy from 4-5-73 to 31-7-73.



- Ex. W5 1-10-73 Appointment order dt. 1-10-73 issued by the Agent, Sree Kalayana Rama Mica Mine, Kalichedu to Sri B. Venkata Swamy from 1-10-73 to 31-10-73.
- Ex. W6 13-11-73—Appointment order dt. 13-11-73 issued by the Agent, Sree Kalayana Rama Mica Mine, Kalichedu from 13-11-73 to 12-1-74.
- Ex. W7 11-7-74—Appointment order dt. 11-7-74 issued by the Agent, Sree Kalyana Rama Mica Mine, Kalichedu from 11-7-74 to 31-10-74.
- Ex. W8 8-10-76—Copy of the representation dt. 8-10-76 made by Sri B. Venkata Swamy to the Management of Sree Kalyana Rama Mica Mine, Kalichedu, challenging the validity of the order of retrenchment.
- Ex. W9 6-10-76—Retrenchment notice dt. 6-10-76 issued by the Agent Sree Kalyana Rama Mica Mine, Kalichedu to Sri Achi Thirupalu.
- Ex. W10 2-3-76—Office copy of the representation dt. 2-3-76 made by Sri C. C. Subbaiah, General Secretary, A. P. Mica Labour Union to the Regional Labour Commissioner (C) Hyd. (A.P.).
- Ex. W11 17-3-76—Copy of the Telegram dt. 17-3-76 sent by the General Secretary, Andhra Pradesh Mica Labour Union to the Regional Labour Commissioner (Central) Hyderabad, Hyd.
- Ex. W12 17-3-76—Copy of the telegram dt. 17-3-76 sent by Sri C. C. Subbaiah, General Secretary, A.P. Mica Labour Union, Gudur, to the Labour Minister and the Chief Labour Commissioner, Sramasakthi Bhavan, New Delhi.
- Ex. W13 22-3-76 Telegram dt. 22-3-76 sent by Asst. Labour Commissioner, Post Vijayawada to the General Secretary, A.P. Mica Labour Union.
- Ex. 142 2-3-76—Copy of the telegram dt. 22-3-76 sent by Asst. Labour Commissioner Post Vijayawada to the General Secretary, A. P. Mica Labour Union
- Ex. W15 2-4-76—No. 5/4/76-ALC-BZA dt. 2-4-76 report of the failure of the conciliation together with the views of the Management as its enclosure.
- Ex. W16 10-7-73—Certificate of practical experience dt. 10-7-73 issued by the Mine Manager to Sri Achi Thirupalu.

- Ex. W17 25-7-73—Certificate of practical experience dt. 25-7-73 issued by the Mine Manager to Sri Achi Thirupalu.
- Ex. W18 27-2-74—Certificate of practical experience dt. 27-2-74 issued by the Mine Manager to Sri Achi Thirupalu.
- Ex. W19 4-7-75 Certificate of practical experience dt. 4-7-75 issued by the Mine Manager to Sri Achi Thirupalu.
- Ex. W20—Memorandum of settlement dt. 7-8-76 under Section 12(3) of the I.D. Act, 1947 between the workmen and the Management of Sree Kalayana Rama Mica Mine.

## Documents Exhibited for the Management :

- Ex. M1—Statement showing production etc. for the year 1972 onwards.
- Ex. M2—Statement showing the seniority category-wise as on 6-10-76.
- Ex. M3—Payment register from 16-7-76 onwards.
- Ex. M4—Payment register from 1-1-76 to 15-7-76.
- Ex. M5—Statement showing the particulars of date of admission date of retrenchment and date of re-joining of workmen of Sree Kalyana Rama Mica Mine, Kalichedu.
- Ex. W6—Statement showing the particulars of date of admission, date of retrenchment and date of re-joining of workmen of Sree Kalyana Rama Mica Mine, Kalichedu.
- Ex. M7—Statement showing the details of payments.
- Ex. M8—Statement showing the details of payments.
- Ex. M9—Copy of the list dt. 15-9-76 showing seniority of the persons in Sree Kalyana Rama Mica Mine, Kalichedu.
- Ex. M10—True copy of the conciliation report dt. 17-12-76 held at Gudur.
- Ex. M11—Office copy of the letter dt. 7-10-76 addressed by the Management to the Secretary to Government of India, Ministry of Labour, New Delhi.

Industrial Tribunal

